

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Mary Beatie



VICE CHAIRPERSON:

Bill Davis

COMMISSIONERS: Pura Cordero, Charlie Norman, Bill Davis, Mary Beatie

MONDAY, SEPTEMBER 22, 2025

VISALIA COUNCIL CHAMBERS

LOCATED AT 707 W. ACEQUIA AVENUE, VISALIA, CA

MEETING TIME: 7:00 PM

1. CALL TO ORDER –
2. THE PLEDGE OF ALLEGIANCE –
3. SWEARING IN OF PLANNING COMMISSIONER –
 - Kris Bruce (1st Term)
4. ROLL CALL –
5. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. You may provide comments to the Planning Commission at this time, but the Planning Commission may only legally discuss those items already on tonight's agenda.

The Commission requests that a five (5) minute time limit be observed for Citizen Comments. You will be notified when your five minutes have expired.
6. AGENDA COMMENTS OR CHANGES –
7. CONSENT CALENDAR – All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - a. **Finding of Consistency No. 2025-02:** A request by Paynter Realty & Investments, Inc. to modify the Master Sign Program (originally approved as Exhibit "A") of Conditional Use Permit No. 2023-15, to address separate sign allowances for the Sequoia Mall and Tower Plaza shopping centers. The project site is located on the southwest corner of South Mooney Boulevard and West Sunnyside Avenue (APN: 121-100-050; 121-110-057).

8. PUBLIC HEARING – Colleen Moreno, Assistant Planner

- a. **Conditional Use Permit No. 2025-21:** A request by Verizon Wireless to construct a new 75-foot tall wireless monopine telecommunication tower within the C-MU (Mixed Use Commercial) zone.
- b. **Variance No. 2025-04:** A request by Verizon Wireless to construct a new 75-foot tall wireless monopine telecommunication tower not meeting the fall zone setback of Section 17.32.163(D)(1)&(2).

Environmental Assessment Status: N/A.

Project Location: The project site is located at 3533 West Noble Avenue, within the Visalia Marketplace shopping center southeast corner of West Noble Avenue and South Demaree Street (APN: 095-010-068).

9. PUBLIC HEARING – Colleen Moreno, Assistant Planner

- a. **Tentative Parcel Map No. 2025-09:** A request by Black Gold Builders Group to reconfigure the existing five parcels within the property layout of an undeveloped future shopping center in the C-MU (Mixed Use Commercial) zone.
- b. **Conditional Use Permit No. 2025-23:** A request by Black Gold Builders Group to reconfigure the property layout creating parcels without street frontage and parcels that are less than the minimum five-acre requirement in the C-MU (Mixed Use Commercial) zone.

Environmental Assessment Status: The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315.

Project Location: The site is located at the east side of South Lovers Lane, south of East Noble Avenue (APNs: 101-030-018, -030, -031, -032, -033).

10. PUBLIC HEARING – Brandon Smith, Principal Planner

Zoning Text Amendment No. 2025-03: A request by the City of Visalia to amend Visalia Municipal Code Title 17 (Zoning Ordinance), as to implement Program 5.8 contained in the City of Visalia 6th Cycle Housing Element of the General Plan. The regulations will apply Citywide to properties within the city limits of the City of Visalia.

Environmental Assessment Status: The requested action is considered exempt under Section 15061(b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA).

Project Location: Citywide

11. CITY PLANNER UPDATE –

12. ADJOURNMENT

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For Hearing Impaired – Call (559) 713-4900 (TTY) 48-hours in advance of the scheduled meeting time to request signing services.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, OCTOBER 2, 2025, BEFORE 5:00 PM

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 North Santa Fe Street, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, OCTOBER 13, 2025

City of Visalia



To: Planning Commission

From: Brandon Smith, Principal Planner
Phone: (559) 713-4636
E-mail: brandon.smith@visalia.gov

Date: September 22, 2025

Re: Finding of Consistency No. 2025-02: A request by Paynter Realty & Investments, Inc. to modify the Master Sign Program (originally approved as Exhibit "A") of Conditional Use Permit No. 2023-15, to address separate sign allowances for the Sequoia Mall and Tower Plaza shopping centers. The project site is located on the southwest corner of South Mooney Boulevard and West Sunnyside Avenue. (APN: 121-100-050; 121-110-057)

RECOMMENDATION:

Staff recommends that the Planning Commission make a Finding of Consistency that the proposal is substantially consistent and in conformance with the previously approved Conditional Use Permit No. 2023-15, which granted a master sign program for Sequoia Mall.

BACKGROUND:

On June 12, 2023, the Planning Commission approved Conditional Use Permit No. 2023-15, as conditioned, to adopt a Master Sign Program associated with the redevelopment of the 28.5-acre Sequoia Mall commercial center, including the addition of monument signs that exceed City standards for height and sign area. The sign program includes a total of seven monument signs located along the Mooney Boulevard and Caldwell Avenue frontages, as indicated in the site plan in Exhibit "C", at the beginning of Section 1.

One existing monument sign at the Sequoia Mall property, located at the drive approach closest to Hobby Lobby, is a large monument sign which has not contained any identification signage for over twenty years except for seasonal temporary banners (see image shown as Figure 1). The Master Sign Program intended to replace this sign with a "Type B.1 – Entry Monument" sign, illustrated in Section 1 Sheet 2 of the Master Sign Program.

Furthermore, the Master Sign Program did not propose any monument signs along the Sunnyside Avenue frontage, adjacent to Marshalls.



Figure 1: Existing sign on Mooney Blvd.

REQUEST:

Per the request for Finding of Consistency letter included as Exhibit "A", the applicant requests modifications to the original Master Sign Program to incorporate two monument signs that would specifically identify and call out the tenants of Tower Plaza, which is the shopping center that is separate from Sequoia Mall. Tower Plaza refers to the property with the building anchored by Marshalls and formerly Bed Bath & Beyond. Although the Tower Plaza shopping center is under the same ownership as the Sequoia Mall (which has owned the center since the early 1990s, see historic article included as Exhibit "E"), the applicant Paynter Realty & Investments, Inc. has identified that Tower Plaza needs to be distinct and recognized as its own center with its own signage.

The two monument signs being requested are illustrated in Exhibit "B" and have a distinctively different theme / style than the approved Sequoia Mall monument signs.

The proposed monument sign along the Mooney Street frontage is a refurbishing of the existing sign shown in Figure 1. The existing sign is 22 feet in height, and upon refurbishing it would contain approximately 144 square feet (i.e. 13'-1" x 11'-0") of sign area per face (including a panel reading "Tower Plaza"). This sign would replace the Master Sign Program's plan to install a "Type B.1 – Entry Monument" sign at the same location which would measure 12 feet in height and have 35 square feet of tenant sign area per side plus approximately 7 square feet of "Sequoia Mall" identification.

The proposed monument sign along Sunnyside Avenue is a new monument sign not previously requested through the Master Sign Program. The sign measures 7'-4" in height and has 50 square feet (i.e. 8'-0" x 6'-4") of sign area per face (including a panel reading "Tower Plaza").

ANALYSIS:

Staff finds that the request for additional and distinct signage pertaining to Tower Plaza is reasonable, given that the property was originally constructed as a separate shopping center with cross access, and that the property owner desires to operate the two properties as separate shopping centers for leasing purposes. Analysis on the two monument signs are below.

Mooney Boulevard sign

Staff finds that the allowance of a monument sign with larger sign area (illustrated in Exhibit "B") than the previously approved monument sign in the Master Plan is only justifiable given that the monument sign already exists at this location and is being refurbished in a manner that maintains generally the same amount of sign area that currently exists on the sign. Persons living in and commuting to Visalia are already familiar with the sign given that it has existed for over 20 years on a functioning property, and therefore the restoration of the existing structure to a functioning sign would not constitute a significant impact.

It should be noted that the sign location is on a parcel that is associated with the grounds and parking lots of Sequoia Mall. However, the refurbishment of the sign to be associated with the Tower Plaza shopping center is reasonable since the sign location is directly adjacent to the grounds of Tower Plaza. Furthermore, the three Mooney Boulevard-fronting parcels in front of the Tower Plaza commercial building are not under the same ownership as the applicant, and which denies the ability of the applicant to otherwise place a monument sign associated with Tower Plaza directly in front of the property.

Sunnyside Avenue sign

Staff finds that the addition of a new monument sign along Sunnyside Avenue is reasonable, based upon consistency with other sign programs for shopping centers in Visalia (e.g. Orchard Walk, South Packwood Creek) which allow one or more monument signs on all surrounding streets. The proposed sign is in an area built out with commercial uses and would not be directly visible by nearby residential uses.

Staff recommends of a modified approval to this monument sign, reducing the tenant sign area (including the “Tower Plaza” panel) from 50 square feet to 42 square feet. The reduction is based upon the City Sign Ordinance’s standard of 35 square feet per face on monument signs, and being more consistent with the total amount of tenant and center sign area associated with the “Type B.1 – Entry Monument” sign in the sign program (i.e. 42 square feet). Sign dimensions that are closer to City standards are further recommended given that, unlike Mooney or Caldwell, Sunnyside Avenue is a local non-through and residential-serving street with a significantly less traffic count than that of other larger streets, which would not justify having greater signage.

MODIFICATIONS TO APPROVED CONDITIONS:

The Finding of Consistency would entail adding / incorporating Exhibit “B” into the previously approved Master Sign Program that is Exhibit “C”. Therefore, Condition No. 1 of Conditional Use Permit No. 2023-15 would be revised to read as follows:

1. That all signage depicted inside the boundary lines depicted in Exhibit “B”, be developed in substantial compliance with the Master Sign Program attached as Exhibit “A”, except as otherwise noted in the following conditions of approval, and incorporating the Tower Plaza Planning Submittal (Exhibit “C”) to the Master Sign Program which has been found to be consistent with the Conditional Use Permit, excepting that the monument sign located along Sunnyside Avenue shall be limited to 42 square feet of sign area per side.

If the Finding of Consistency is approved, a revision to Resolution No. 2023-28 will need to be signed to reflect the Finding of Consistency request and the revision to Condition No. 1 as noted above. A copy of the updated draft Resolution No. 2023-28 for Conditional Use Permit No. 2023-15 is attached to reflect how those revisions will be incorporated.

ATTACHMENTS

- Updated Resolution No. 2023-28
- Exhibit “A” – Finding of Consistency Request
- Exhibit “B” – Proposed Site Plan and Sign Elevations
- Exhibit “C” – Sequoia Mall Master Sign Program Adopted through CUP No. 2023-15
- Exhibit “D” – Signed Resolution No. 2023-28 for Conditional Use Permit No. 2023-15
- Exhibit “E” – Historic Article regarding Tower Plaza
- Exhibit “F” – Aerial Photo

RESOLUTION NO. 2023-28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2023-15: A REQUEST BY BLAIR SIGN PROGRAMS TO ADOPT A MASTER SIGN PROGRAM ASSOCIATED WITH THE REDEVELOPMENT OF 28.5-ACRE SEQUOIA MALL COMMERCIAL CENTER, INCLUDING THE ADDITION OF MONUMENT SIGNS THAT EXCEED CITY STANDARDS FOR HEIGHT AND SIGN AREA. THE PROPERTY IS LOCATED WITHIN THE CITY'S REGIONAL COMMERCIAL (C-R) ZONE DISTRICT. THE PROJECT SITE IS LOCATED AT THE NORTHWEST CORNER OF SOUTH MOONEY BOULEVARD AND WEST CALDWELL AVENUE. (APN: 121-100-049, 050; 121-110-023, 034, 041, 043, 049, 050 052, 055)

WHEREAS, Conditional Use Permit No. 2023-15 is a request by Blair Sign Programs to adopt a master sign program associated with the redevelopment of 28.5-acre Sequoia Mall commercial center, including the addition of monument signs that exceed City standards for height and sign area. The property is located within the City's Regional Commercial (C-R) zone district. The project site is located at the northwest corner of South Mooney Boulevard and West Caldwell Avenue. (APN: 121-100-049, 050; 121-110-023, 034, 041, 043, 049, 050 052, 055); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on June 12, 2023; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit to be in accordance with Chapter 17.38.110 and Chapter 17.48.140 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15311.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the proposed conditional use permit is consistent with the intent and the criteria of the Zoning Ordinance, particularly Section 17.48.140 regarding master sign programs.
2. That the proposed signs are in harmony and visually related to:
 - a) *Other Signs Included in the Master Sign Program*. The master sign program demonstrates incorporation of monument signs with a color and finish schedule, which would also be carried over to wayfinding and address signs.
 - b) *The Buildings They Identify*. The monument signage utilized in the master sign program universally uses stone veneer siding and white stucco with accent

colors, wherein these elements will be heavily utilized in the redeveloped buildings in the mall.

- c) *The Surrounding Development.* The approval of the master sign program does not adversely affect surrounding land uses or obscure adjacent conforming signs. Similar to Sequoia Mall, other commercial shopping centers, such as Packwood Creek and Orchard Walk, utilize multiple monument signs that exceed height and size to publicize multiple primary tenants and utilize wall signs that exceeds sign ordinance standards to match the scale of the building.
3. That the proposed signs comply with all the provisions of the Sign Ordinance (i.e., Chapter 17.48), except with regard to number of signs allowed and the location and height of signs.
4. The requested action is considered Categorically Exempt under Sections 15311 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). This category exempts the installation of signs (Categorical Exemption No. 2023-22).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 and 17.48.140 of the Ordinance Code of the City of Visalia, subject to the following conditions, and incorporating a revision to Condition No. 1 approved per Finding of Consistency No. 2025-02, approved September 22, 2025:

1. That all signage depicted inside the boundary lines depicted in Exhibit “B”, be developed in substantial compliance with the Master Sign Program attached as Exhibit “A”, except as otherwise noted in the following conditions of approval, and incorporating the Tower Plaza Planning Submittal (Exhibit “C”) to the Master Sign Program which has been found to be consistent with the Conditional Use Permit, excepting that the monument sign located along Sunnyside Avenue shall be limited to 42 square feet of sign area per side.
2. That any property located outside of the sign program boundary lines and not owned by the property owner of the Sequoia Mall shall have their signage regulated in accordance with Zoning Ordinance Chapter 17.48, not the Master Sign Program. However, any property having shared access within the Sequoia Mall property that is to come under ownership of the greater Sequoia Mall shall become subject to the Master Sign Program.
3. That no more than one corner identification sign as illustrated in Master Sign Program Exhibit A, located at the intersection of Mooney Boulevard and Caldwell Avenue, be permitted.
4. That only tenants with floor area of 20,000 square feet or greater are eligible for wall sign area beyond 150 square feet up to 250 square feet on a primary frontage and eligible for up to an additional 100 square feet of wall sign area on a secondary frontage.
5. When a new monument sign is installed in accordance with the Master Sign Program being installed, that any existing multi-tenant monument sign located on the project area located within 100 feet of the new monument sign shall be removed.
6. That no electronic or animated signs are permitted as part of this Master Sign Program.
7. That a sign permit shall be obtained for each wall sign and monument sign.

8. The applicant and all successors in interest shall comply with all applicable federal, state and city codes and ordinances.

PAYNTER

REALTY & INVESTMENTS, INC.

CELEBRATING 30 YEARS

August 28, 2025

Via Email

Paul Bernal
Community Development Director
City of Visalia
315 E. Acequia Ave
Visalia, CA 93291

**RE: Request for Finding of Consistency
Tower Plaza Site Signage**

Dear Paul,

With the redevelopment of the Sequoia Mall and Tower Plaza, we have been working with the City of Visalia to continuously create something new out of something old. The idea initially was to combine Sequoia Mall and Tower Plaza into one shopping center as it relates to site signage. But what we have found is from a leasing standpoint, it does not work to have the two shopping centers act as one. They are indeed two separate shopping centers and they indeed operate as two separate shopping centers with the advent of cross access for ease of cross customer traffic to occur.

Since Sequoia Mall and Tower Plaza operate as separate shopping centers, they need to maintain separate site signage. Therefore we request the existing sign on Mooney Blvd be allowed to be refurbished as shown on the enclosed design. We also request to add a small monument sign on Sunnyside Ave which would service Tower Plaza tenants only.

If you need anything further, please do not hesitate to let me know. Otherwise we would greatly appreciate a prompt approval of the enclosed as it is time sensitive for our new tenants (Sierra and Rack Room Shoes) moving in and opening in the Spring of 2026.

Thank you for your time and consideration.

Sincerely,



James Sanders
Executive Vice President

CC: Jason Huckleberry – Assistant Community Development Director

PLANNING SUBMITTAL

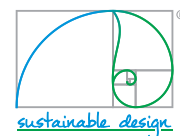
TOWER PLAZA



natalieTURNER
9932 Prospect Ave
Studio 137
Santee, CA 92071
(619) 792-1600

natalie@blairsign.net
www.blairsign.net

*Retail branding for
the built environment*



W. Sunnyside Ave.
& S. Mooney Blvd.
Visalia, CA 93277

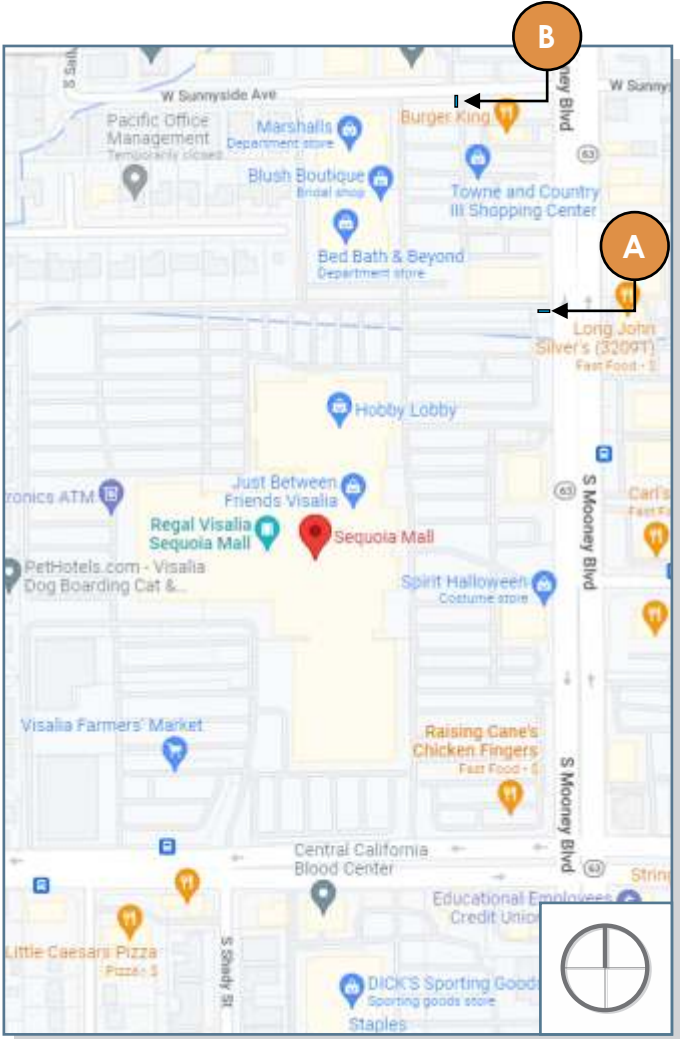


August 6, 2025



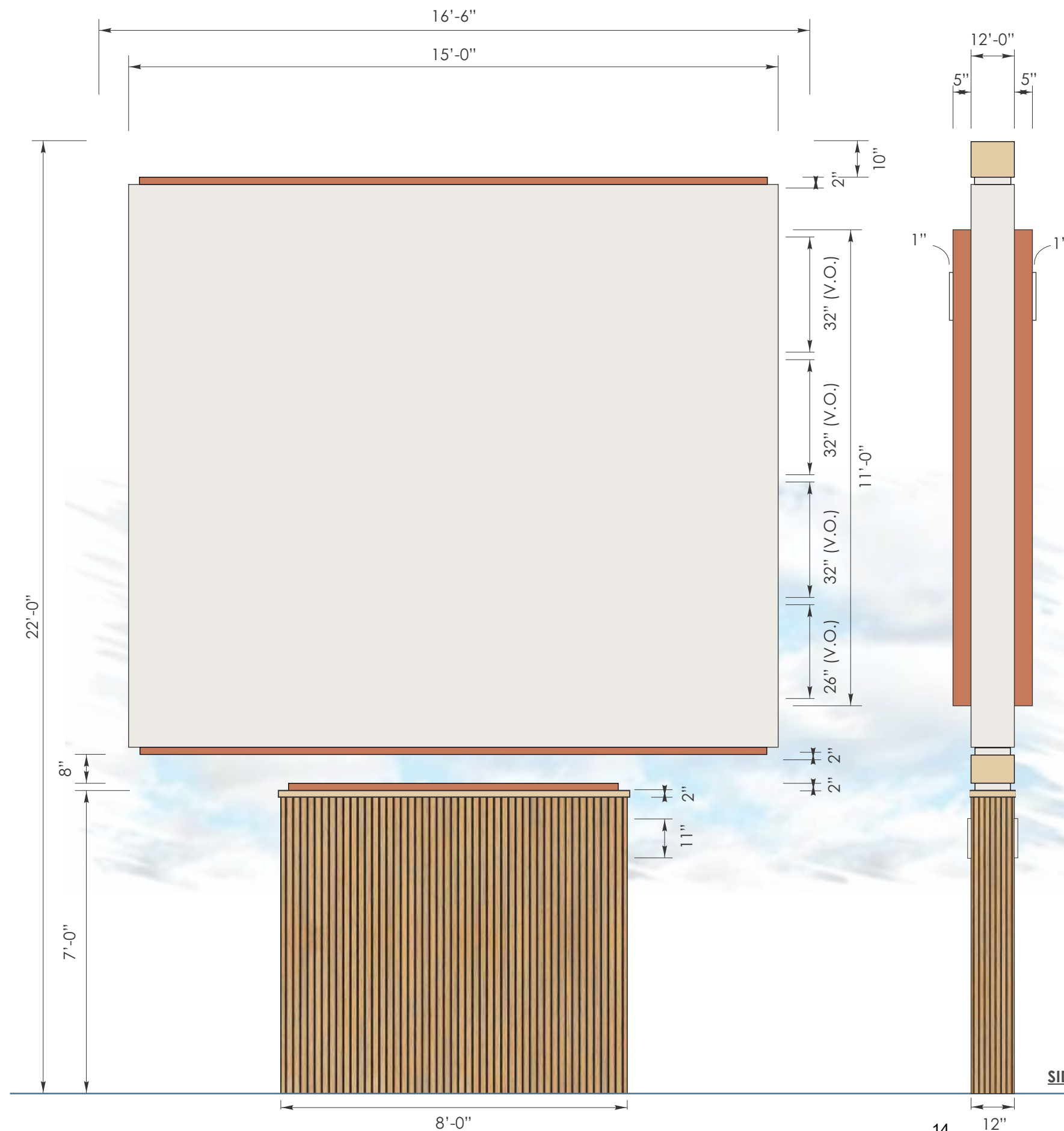
SITE PLAN

SECTION I: GROUND SIGNS	
SIGN TYPE	SIGN DESCRIPTION
A	Pylon
B	Monument



VICINITY MAP

VICINITY MAP
SITE PLAN



SIGNS TYPE: A - PYLON

Purpose:

Sign type A is intended to identify the project, and selected tenants, for the vehicle traffic approaching the project on Mooney Blvd and Sunnyside Ave.

Description:

Double-sided, internally illuminated fabricated aluminum structure. A color and finish schedule is provided in the exhibits section of this document for finish details.

Identity Tenant Panels:

The active tenant sign area consists of aluminum panels with routed-out and show-through copy, "Tower Plaza" panels will have routed-out and push-through copy. Copy/graphics vinyl color, and background paint color per tenant. Eligible tenants are to be selected by the Landlord.

The maximum extent of the tenant letters and/or logo (decoration) shall not exceed that as shown in the exhibits section of this document. Each tenant is required to submit scaled art showing a proposed tenant panel layout for approval by the Landlord.

Address Numerals:

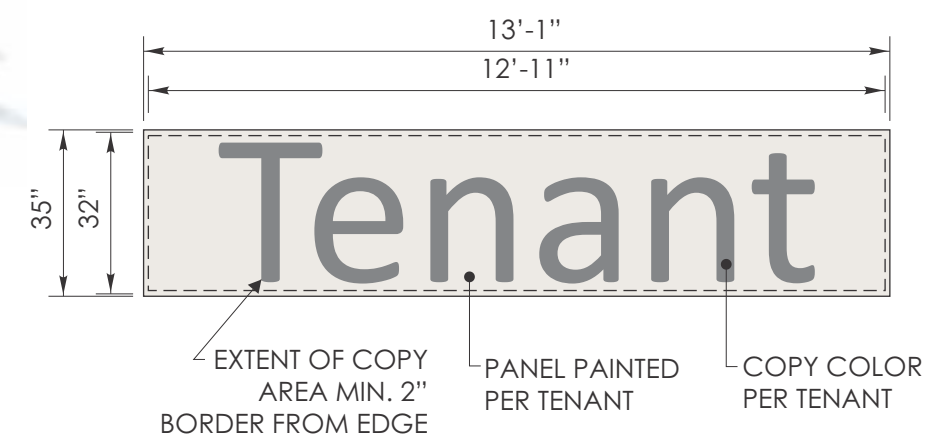
1" deep FCO's flush mounted and painted as shown and as per color schedule in this document.

Base:

Fabricated aluminum structure with wood veneer cladding to be AKUWOODPANEL "Exterior Wall Panel Birch".

Location:

See site plan for precise location.



SIDE VIEW

SCALE: 3/8" = 1'-0"

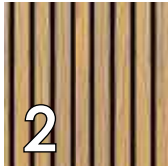
SCALE: N.T.S.

SIGN TYPE: A

SECTION I



SW 7004
“Snowbound”



AKUWOODPANEL
“Exterior Wall Panel
Birch”



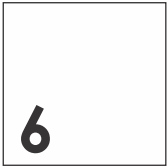
SW 6127
“Ivoire”



SW 6347
“Chrysanthemum”



MP 19952
SV Satin Black
Hole Met.



1" Acrylic w/
3M 3630-20
translucent vinyl

COLOR SCHEDULE

SIGN TYPE: A, B
COLOR SCHEDULE

SECTION I

MASTER SIGN PROGRAM

SEQUOIA MALL



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SEQUOIA MALL

MASTER SIGN PROGRAM

Introduction

A. Design Narrative

This document has been created to provide Sequoia Mall, a commercial retail property located in Visalia, California, with a *Master Sign Program* that is mutually beneficial for the City of Visalia, the project tenants and the public that is served by the project. In support of these objectives the following qualities were blended into the design and scope of work presented by this document:

- Visual communication and connection with the community
 - Creation of a *Tenant Sign Criteria*
 - Quality workmanship and materials
 - Designs congruent with project architecture, present and planned

This document provides a unique set of individual sign types with designs based upon their location, orientation and purpose. It is intended that this sign program will provide a harmonious character for the project which will be experienced as a whole. Each sign's individual identity will play a key role in welcoming visitors to the project and creating a unique retail environment.

B. Executive Summary

The exhibits and text presented in this document are intended to establish design and build guidelines for all ground and tenant building signs within the project. All submittals arising from this document will be made to the Landlord and to the City of Visalia Planning Department for review in accordance to the guidelines set forth by this document.

This document is composed of four (4) working sections, each of which is briefly described below:

Section One: Common Area Signs:

This section describes and illustrates the common area signs which serve to identify tenants within the project. The common area signs include primary entry pylons (signs type A), secondary entry monuments (signs type B), and a corner monument (sign type C).

Section Two: Way-finding:

The way-finding signs communicate directions for vehicle and pedestrian traffic throughout the project's common area. The way-finding sign types include vehicle directional displays (signs type D & E), building address numerals (signs type F) and "Ride Share" zone signs.

Section Three: Tenant Sign Criteria:

The Tenant Sign Criteria includes guidelines, requirements, illustrations and example layouts for each tenant type. *It is important to note that individual tenant submittals will vary from the example layouts shown.*

Section Four: Sign Types Allowed:

This section illustrates the construction, illumination and install methods for each of the allowed tenant sign types. Included in this section are internally illuminated channel letters (various types), accessory signs, incidental and regulatory sign types.



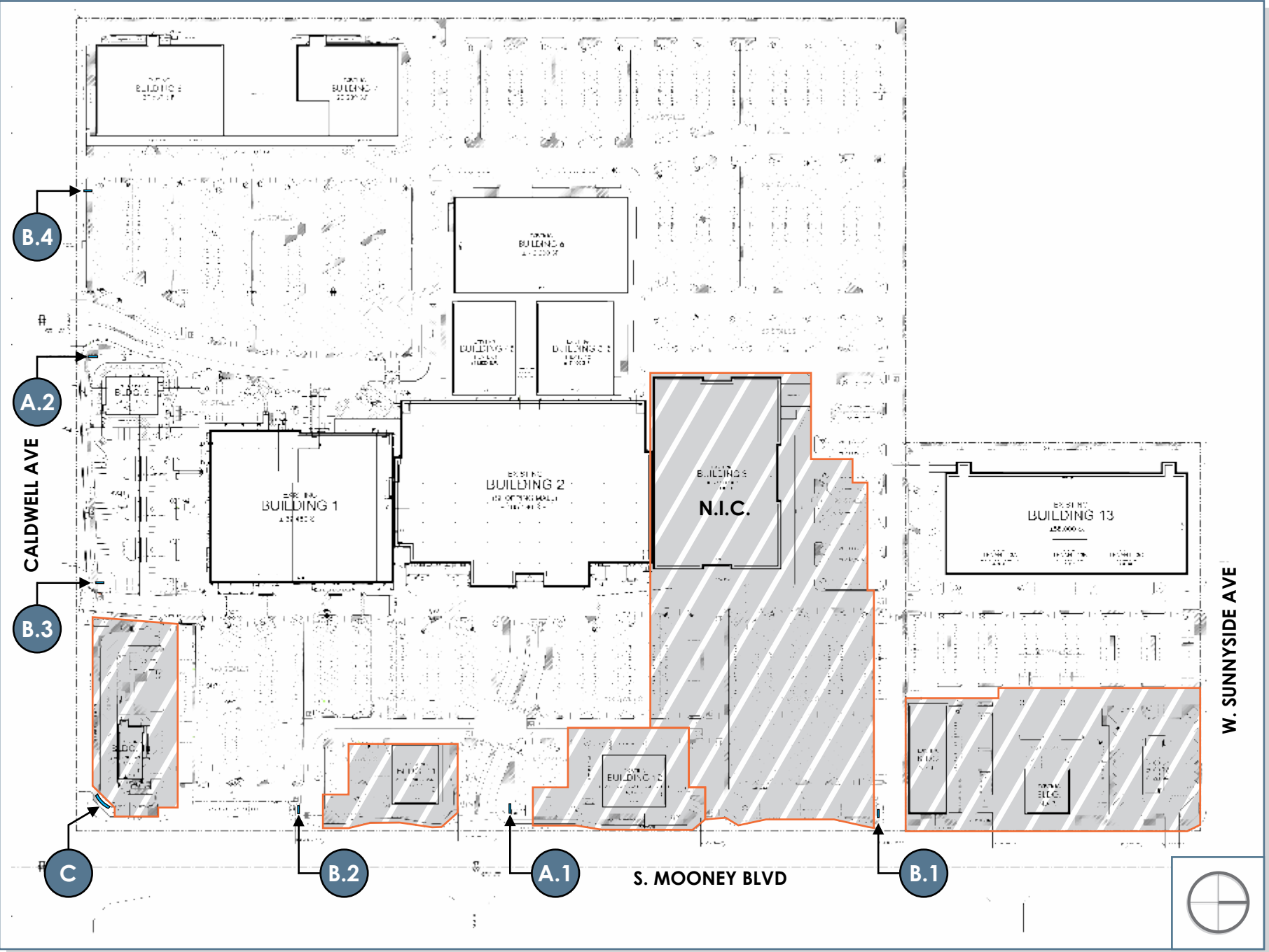
SIGNS TYPE: A - BOULEVARD PYLON

SIGNS TYPE: B - ENTRY MONUMENT


Section ONE

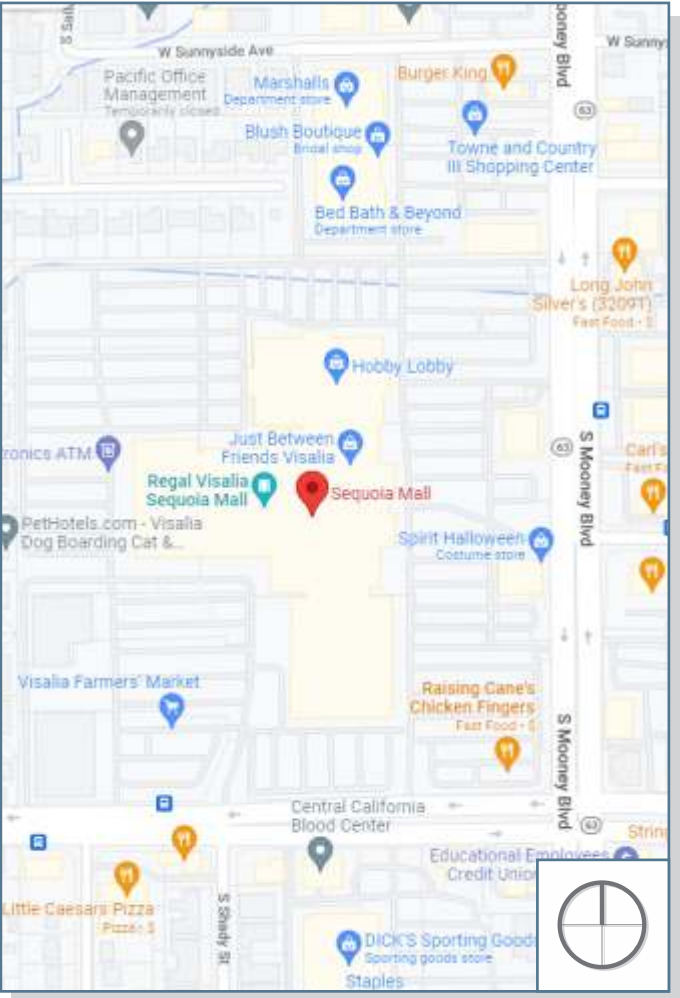
COMMON AREA:
SEQUOIA MALL

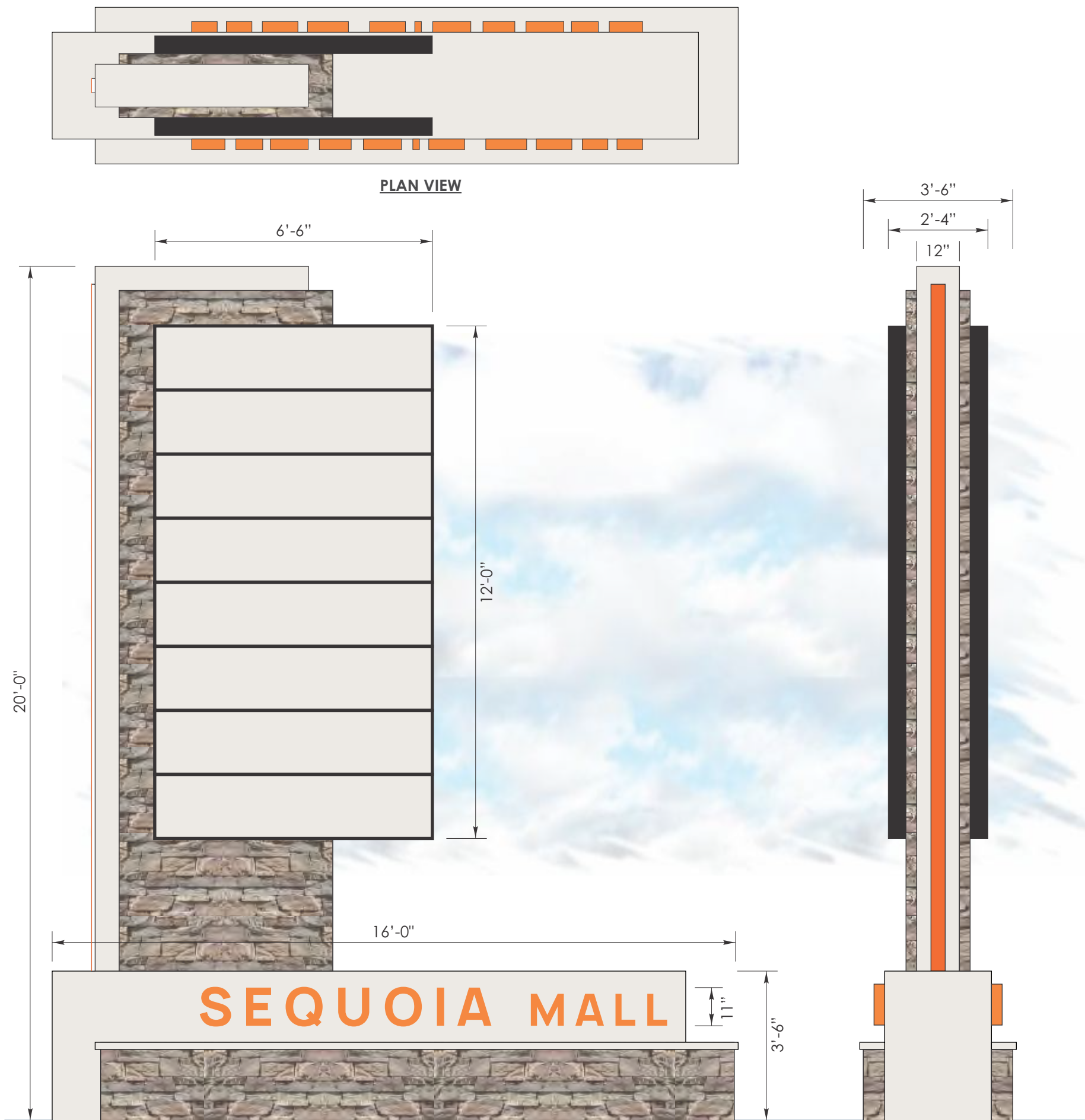
- Site Plan
- Signs Type A
- Signs Type B
- Sign Type C
- Color/Finish Schedule



KEY: COMMON AREA SIGNS	
Sign Type	Sign Description
A.1-A.2	Boulevard Pylons
B.1-B.4	Entry Monuments
C	Corner ID

LEGEND	
	Not subject to this Master Sign Program





SIGNS TYPE: A.1-A.2 - BOULEVARD PYLON

TENANT SIGN AREA = 78 SQ. FT.

2ND VIEW

SCALE: 3/8" = 1'-0"

SIGNS TYPE: A.1-A.2 - BOULEVARD PYLON

Purpose:

Signs type A are intended to identify the project, and selected tenants, for the vehicle traffic approaching the project on Mooney Blvd and Caldwell Ave.

Description:

Signs type A are double-sided, internally illuminated fabricated aluminum structures. A color and finish schedule is provided in the exhibits section of this document for finish details.

Identity:

The project identity reading, "Sequoia Mall" are three-inch (3") deep, internally illuminated face-lit letters with LED's and white acrylic faces with translucent 3M vinyl overlays.

Accent Bar:

The street facing accent bar is internally LED illuminated 1/2" acrylic push-thru with frosted edges with translucent 3M vinyl overlays.

Tenant Panels:

The active tenant sign area consists of aluminum panels with routed-out and show-through copy. Copy/graphics vinyl color, per tenant. Eligible tenants are to be selected by the Landlord.

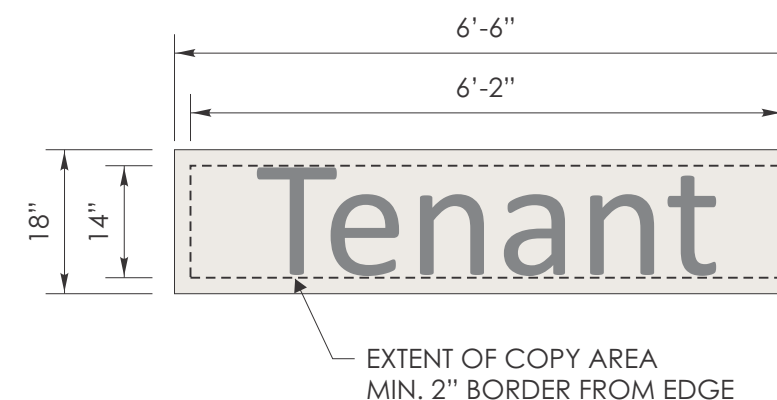
The maximum extent of the tenant letters and/or logo (decoration) shall not exceed that as shown in the exhibits section of this document. Each tenant is required to submit scaled art showing a proposed tenant panel layout for approval by the Landlord.

Quantity:

Two (2), as shown in exhibits section of this document.

Location:

See site plan for precise locations.



SIGNS TYPE: B.1-B.4 - ENTRY MONUMENT

Purpose:
Signs type B are intended to identify the project, and selected tenants, for the vehicle traffic approaching the project on Mooney Blvd and Caldwell Ave.

Description:
Signs type B are double-sided, internally illuminated fabricated aluminum structures. A color and finish schedule is provided in the exhibits section of this document for finish details.

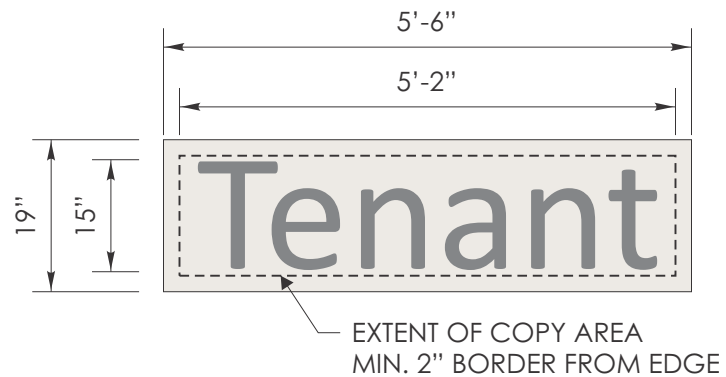
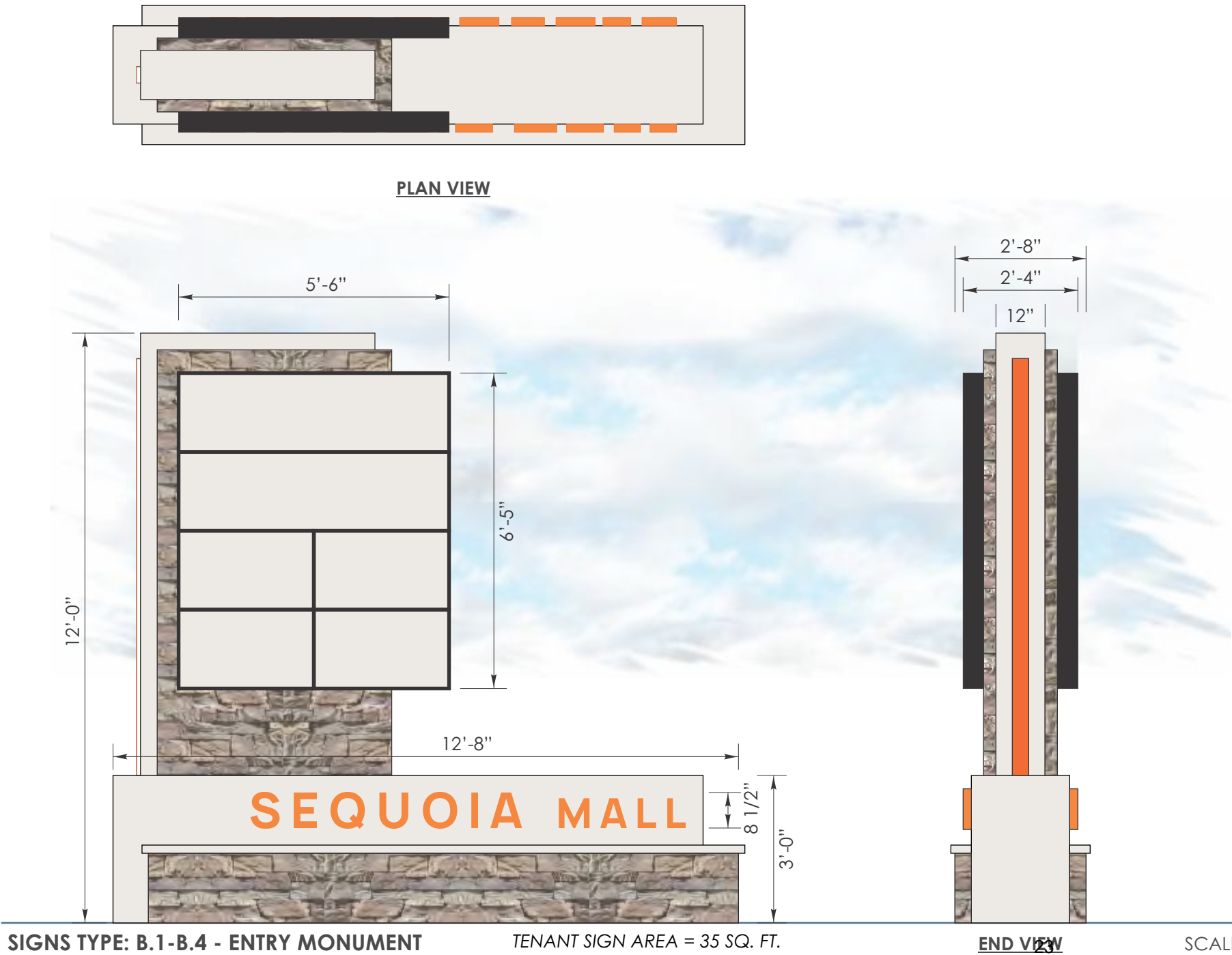
Identity:
The project identity reading, "Sequoia Mall" are two-inch (2") deep, internally illuminated face-lit letters with LED's and white acrylic faces with translucent 3M vinyl overlays.

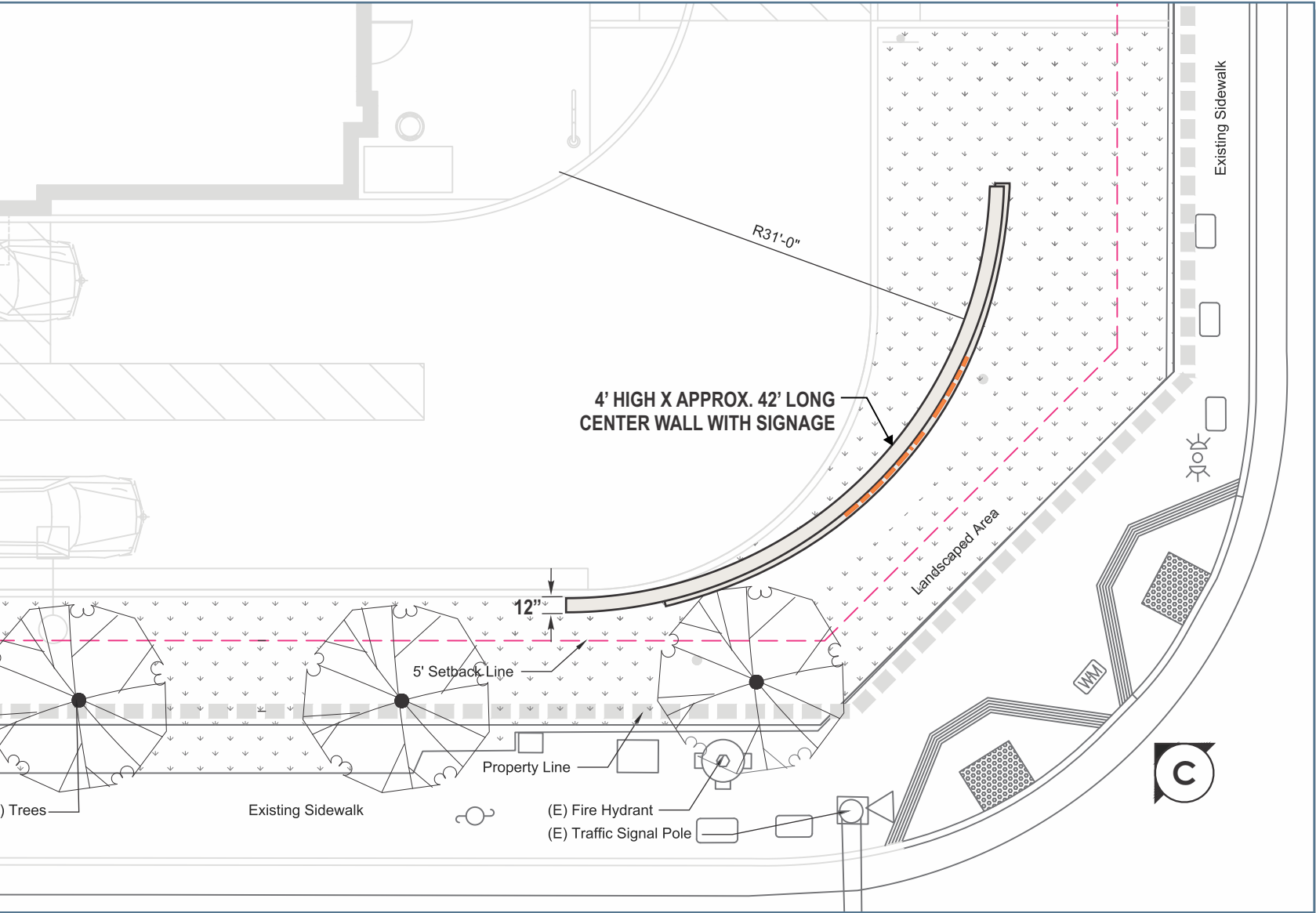
Accent Bar:
The street facing accent bar is internally LED illuminated 1/2" acrylic push-thru with frosted edges with translucent 3M vinyl overlays.

Tenant Panels:
The active tenant sign area consists of aluminum panels with routed-out and show-through copy. Copy/graphics vinyl color, per tenant. Eligible tenants are to be selected by the Landlord.
The maximum extent of the tenant letters and/or logo (decoration) shall not exceed that as shown in the exhibits section of this document. Each tenant is required to submit scaled art showing a proposed tenant panel layout for approval by the Landlord.

Quantity:
Four (4), as shown in exhibits section of this document.

Location:
See site plan for precise locations.





SIGN TYPE: C - CORNER ID - PLAN VIEW SCALE: 3/32" = 1'-0"

SIGN TYPE: C - CORNER ID

Purpose:
Sign type C is intended to identify the project at the corner of Mooney Blvd and Caldwell Ave.

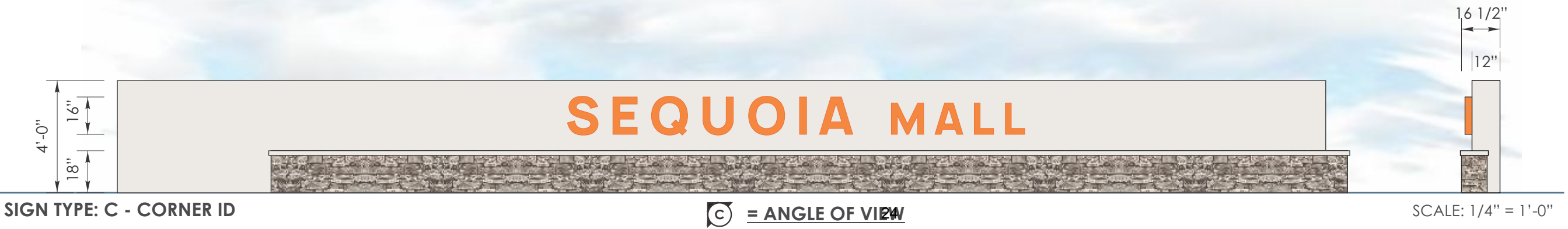
Description:
Sign type C is a single-sided fabricated aluminum structure. A color and finish schedule is provided in the exhibits section of this document for finish details.

Identity Display:
The project identity reading, "Sequoia Mall" are three-inch (3") deep, internally illuminated face-lit letters with LED's and white acrylic faces with translucent 3M vinyl overlays.

Quantity:
One (1), as shown in exhibits section of this document.

Location:
See site plan for precise locations.

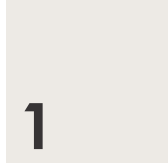
Landscaping:
Done by others.



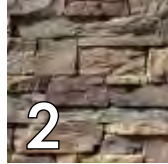
SIGN TYPE: C - CORNER ID

= ANGLE OF VIEW

SCALE: 1/4" = 1'-0"



SW 7004
"Snowbound"



CORONADO
STONE VENEER
"Old World Ledge
- Monarch"

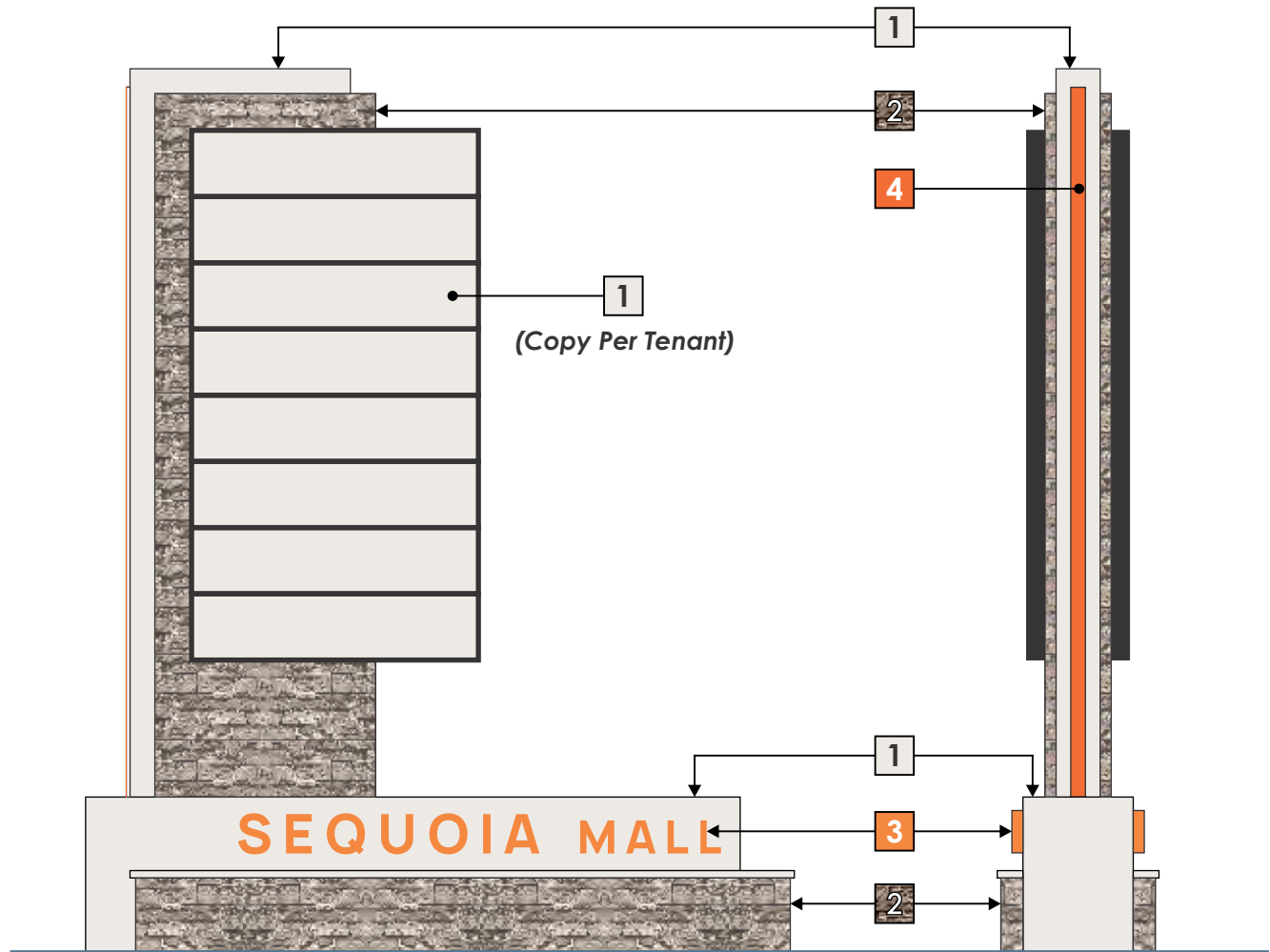


Translucent Vinyl:
3M 3630-84
"Tangerine"

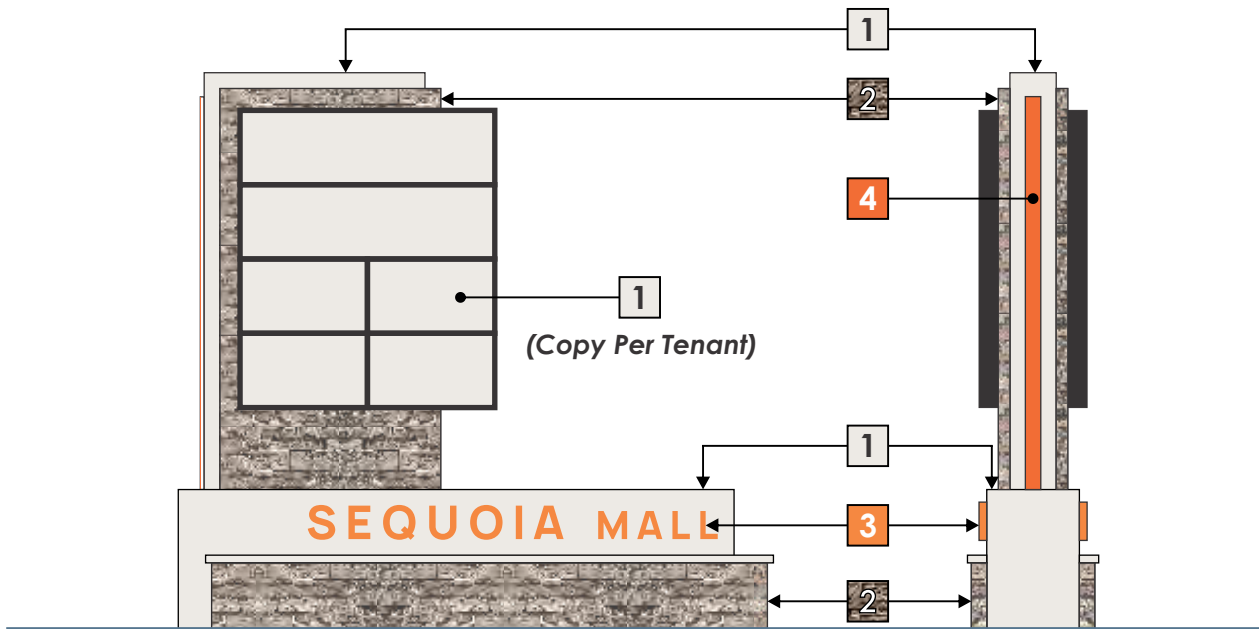


Translucent Vinyl:
3M 3630-44
"Orange"

COLOR SCHEDULE



SIGN TYPE A



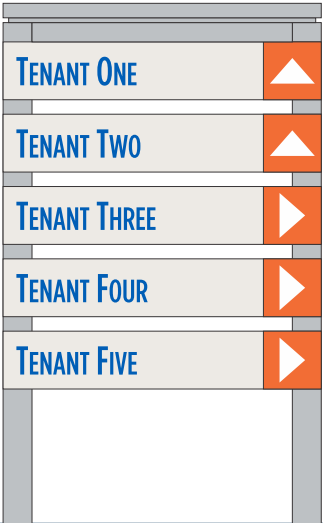
SIGN TYPE B



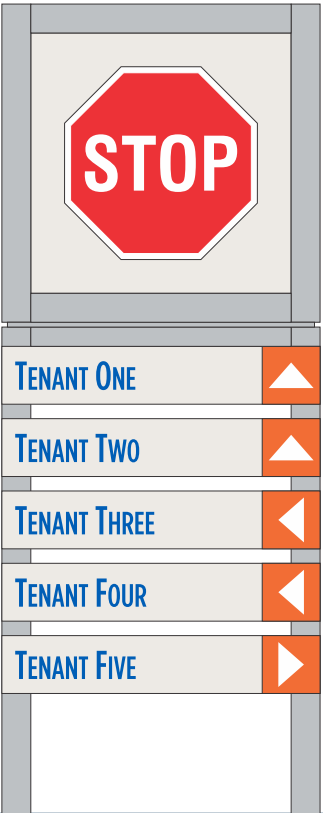
SIGN TYPE C



SIGNS TYPE: F - ADDRESS NUMERALS



SIGNS TYPE: D - 2-SIDED VEHICLE WAYFINDING

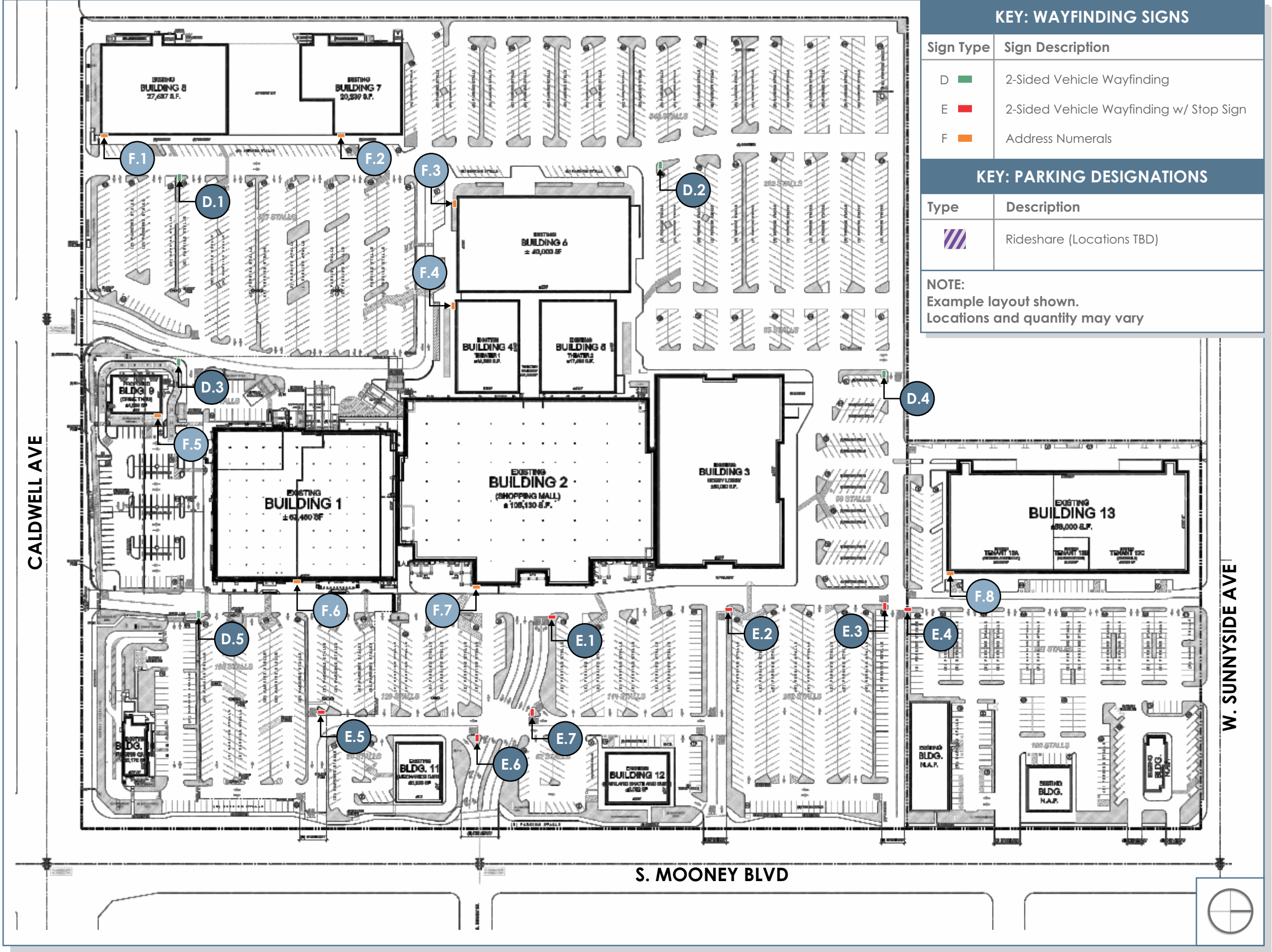


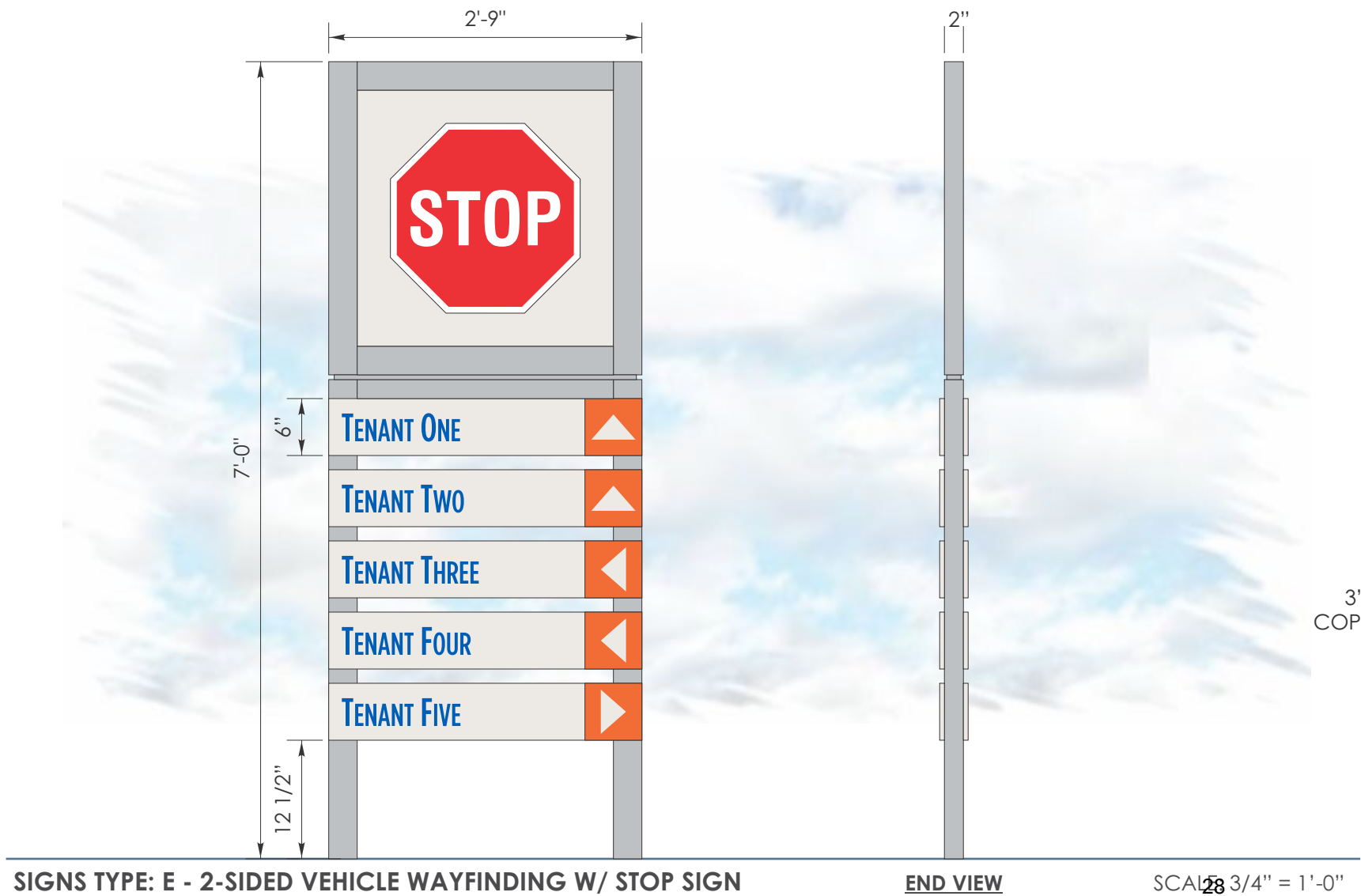
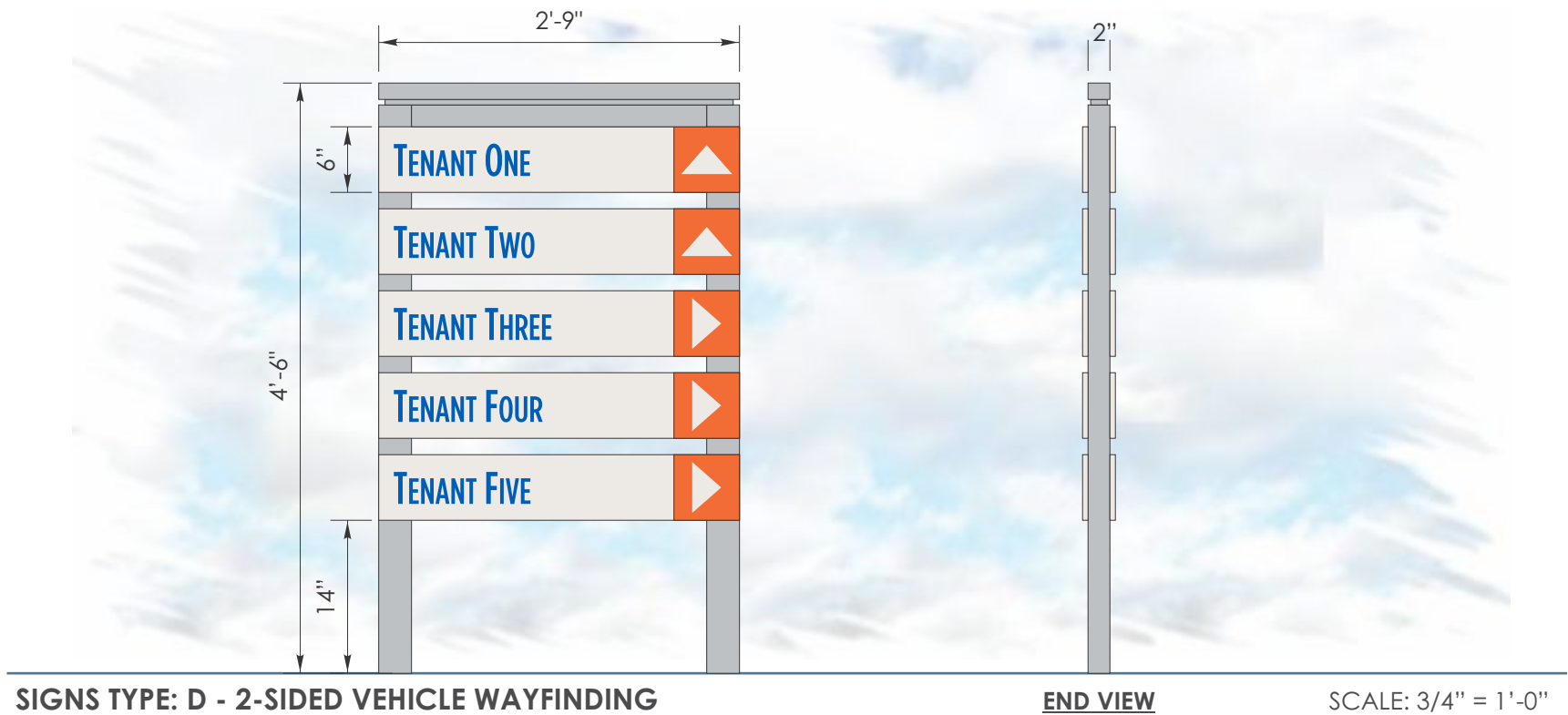
SIGNS TYPE: E - 2-SIDED VEHICLE WAYFINDING W/ STOP SIGN

Section TWO

WAYFINDING:
SEQUOIA MALL

- Site Plan
- Signs Type D
- Signs Type E
- Signs Type F
- Rideshare
- Color/Finish Schedule





SIGNS TYPE: D/E - VEHICLE WAYFINDING

Purpose:

Signs type D and E are designed to provide vehicle way-finding throughout the project and to identify desired destinations.

Description:

These displays are non-illuminated, single and double-sided post and panel displays. The body, panels and structure are to be fabricated aluminum. The message panels are individual and dimensional with 3M 680-14 "orange" reflective vinyl directional arrows.

Tenant Copy:

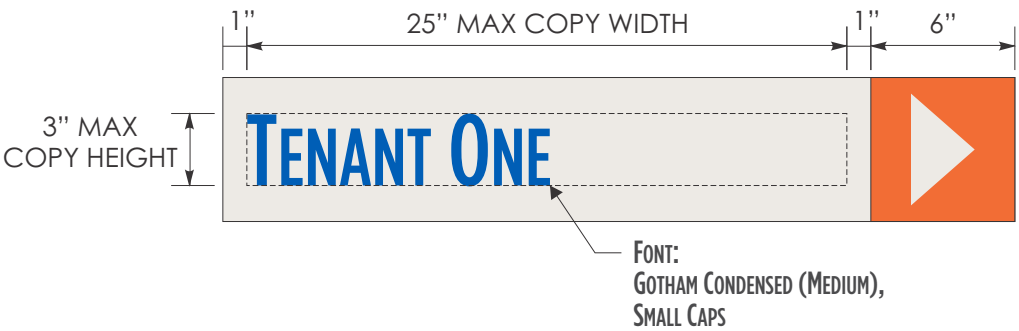
The tenant copy uses 3M 680-76 "light blue" reflective vinyl. The tenant copy will be consistent color and font from one panel to the next.

Quantity:

TBV.

Location:

See site plan for precise locations and orientation.





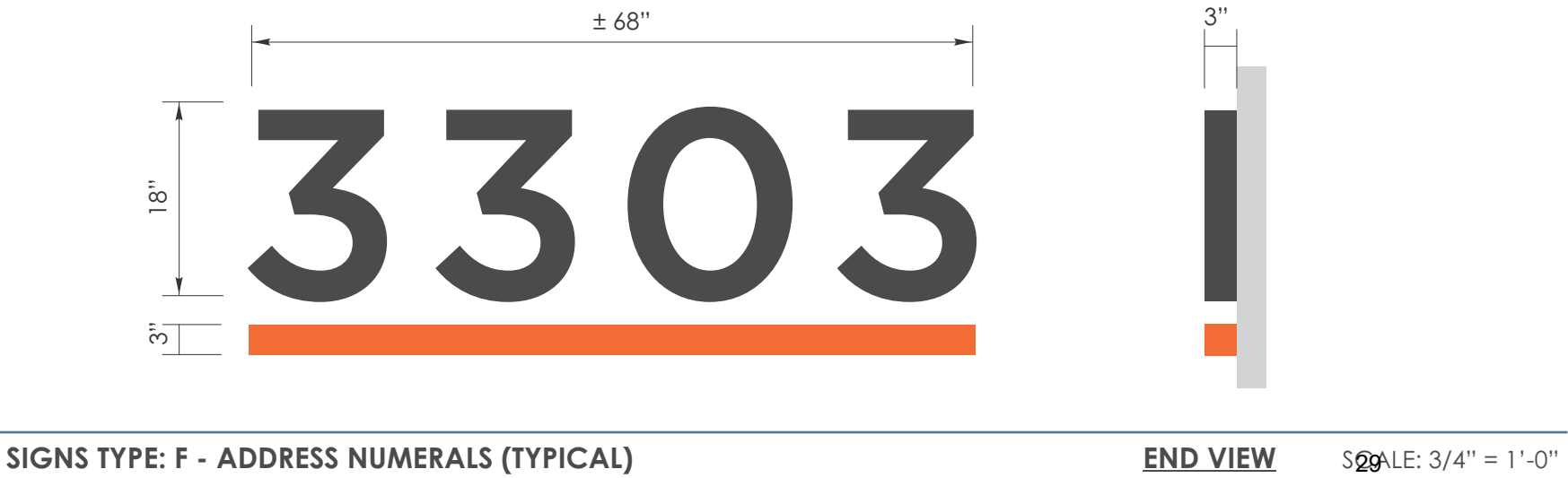
SIGNS TYPE: F - ADDRESS NUMERALS

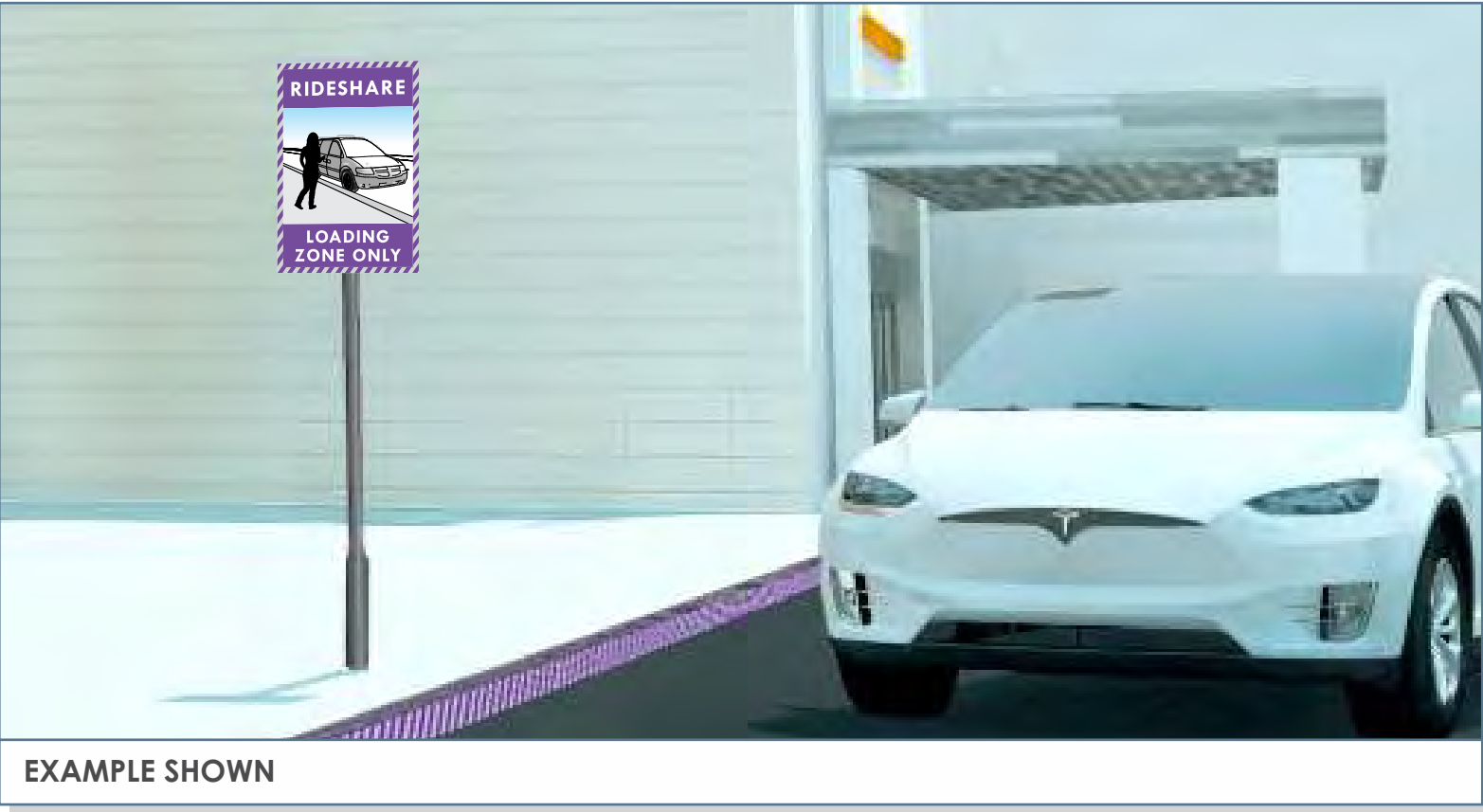
Purpose:
To identify the building address for first responders and to augment vehicle & pedestrian way-finding within the project.

Description:
The address numerals are three-inch (3") deep, internally illuminated face-lit letters with LED's and white acrylic faces with translucent 3M vinyl overlays.

Quantity:
TBV

Location:
Preferred location: justified upper left on parapet of required elevation as per typical elevation shown in exhibits section of this document.





RIDESHARE

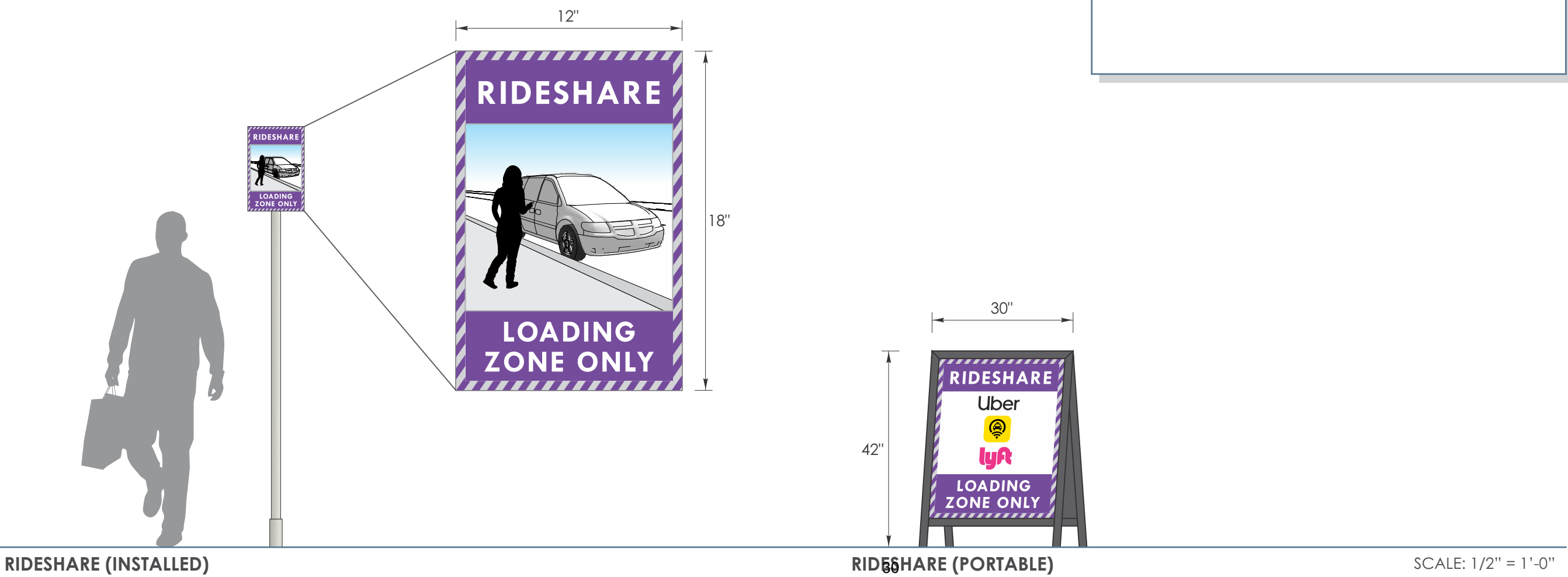
Purpose:
Intended to designate pick-up and drop-off locations for ride-share to and from the project.

Description:
The installed rideshare sign is double-sided or single-sided, non-illuminated, post & panel notice sign. The post is galvanized steel and the message panel is aluminum. The portable rideshare sign is a non-illuminated, double-sided, molded plastic "sandwich board".

Copy/Message:
Per landlord.

Quantity:
To be assigned by landlord.

Location:
To be assigned by landlord.





SW 7004
"Snowbound"



SW 6254
"Lazy Gray"



Reflective Vinyl:
3M 680-76
"Light Blue"



Reflective Vinyl:
3M 680-14
"Orange"

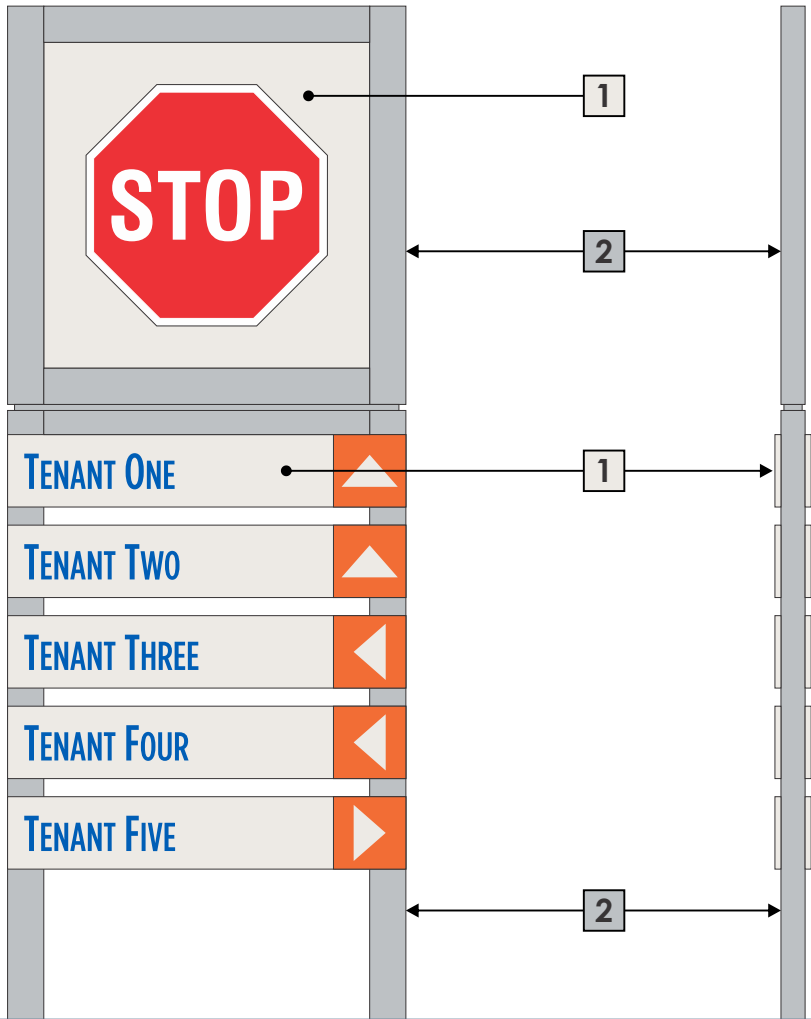


Translucent Vinyl:
3M 3630-44
"Orange"

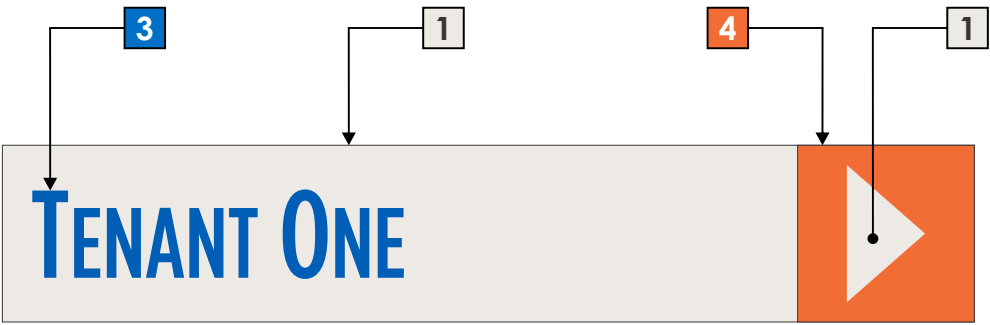


Perforated Vinyl:
"Charcoal"

COLOR SCHEDULE



SIGN TYPE D/E



SIGN TYPE D/E TENANT PANEL DETAIL



SIGN TYPE F

Section THREE

TENANT SIGN
CRITERIA:
SEQUOIA MALL

- Tenant Sign Criteria
- Site Plan
- Tenant Elevations



SECTION III: Tenant Sign Criteria

A. Design Submittals & Guidelines

1.
It is expected that professional designers will prepare artwork for all tenants and that such artwork will include;
- site plan
 - scaled drawings, relevant elevations and proposed sign area
 - detailed specifications, construction and install methods
 - color representations
 - use of LED illumination for all signs must be specified.
- Note: Material and/or finish samples may also be required at the Landlord's option.*
2.
Submittals will be made to the Landlord for approval, and after receiving approval of the Landlord, the applicant shall then submit to the City of Visalia for a sign permit and in accordance with this document. Any work done without required approvals will be considered non-conforming and subject to removal.
3.
It is intended that each tenant uniquely express its identity and location with the use of a creative and imaginative sign design, within the boundaries of the guidelines set forth in this document. Visual interest is central to the design of each sign type with the goal of creating a visually interesting experience.
4.
Each tenant submittal must consider the design of its adjoining tenant and design elements. The same, or noticeably similar, design repeated by adjoining tenants is not allowed.
5.
Each sign design shall be considered for approval on a case-by-case basis by the Landlord. The Landlord reserves the right to refuse acceptance of any design for aesthetic compliance with the theme of the project, as interpreted by the Landlord

B. Tenant Display Guidelines

- Tenants shall be allowed to display sign(s) on each elevation that faces into the project or to a public right-of-way. See exhibits in this section for example layouts. Tenants, selected by the landlord, may display their identities on one or more of the ground signs described in the Common Area section of this document.
1. *Display(s) Allowed, Primary Elevation (main retail entry):*
- One (1) identity display
 - Four (4) Ancillary Sign(s) / for tenants occupying 15,000 square feet or more only
 - One (1) under-canopy or projecting blade sign, but not both, within 6' of entry
 - One (1) plaque sign
 - One (1) window identity
2. *Display(s) Allowed, Secondary Elevation(s) (side and/or rear):*
- One (1) identity display
 - One (1) window identity
3. *Display Size Allowed:*
- Tenants occupying 20,000 square feet or greater:
 - Primary Elevation: 2 square feet per 1 lineal foot of building frontage, max 250 square feet; combined area including identity display and ancillary signs
 - Secondary Elevation(s): 2 square feet per 1 lineal foot of building frontage, max 100 square feet
 - Tenants occupying less than 20,000 square feet:
 - 2 square feet per 1 lineal foot of building frontage, max 150 square feet aggregate
4. *Display Width Allowed:*
The overall width for each sign shall not exceed 80% of the width of the leasehold or area between architectural elements where the sign(s) is to be displayed.
5. *Display Placement:*
Displays must be placed on the adjoining wall of the tenants lease space, walls declared as common area excepted. A minimum vertical and horizontal space of six inches (6") must be maintained between the extent of a display and any significant architectural element such as fascia columns or change of finish materials, excluding expansion lines or unless otherwise approved by the Landlord. A display must be placed primarily below the roofline.
6. *Sign Type Construction/Illumination allowed for identity display and ancillary signs:*
- Face-lit channel letters
 - Halo-illuminated channel letters
 - Face-lit logo cabinets (not to exceed an area greater than 40% of the overall display)
7. *Other sign types allowed :* See Section IV: Tenant Sign Types
8. *Display Calculation:*
A geometric shape, up to 8 right-angles that encloses each word or graphic element shall be used for determining the sign area. Decorative and/or architectural design elements, if used for background, will not be used to calculate sign area. (See exhibits in this section for example)

SECTION III: Tenant Sign Criteria

C. General Requirements

1. No manufacturer or sign company decals may be visibly displayed on any tenant sign. All required UL and/or permit labels shall be placed on top surface of any sign or display so as to not be visible from the pedestrian path-of-travel. Manufacturer labels are not allowed.
2. All penetrations of any building structure required for sign installation shall be neatly sealed and continuously maintained in watertight condition.
3. All contractors for installation, removal or service must be fully licensed and provide the Landlord with certificates of insurance prior to commencing any work.
4. Sign removals shall include the patching and repairing of entire work areas plus the repainting of any "ghosted" areas or as directed by the Landlord. Tenant shall reimburse the Landlord if the Landlord or its agent performs removal and/or repair.
5. Should the tenants' sign or signs require repair or maintenance the tenant is required to perform such action within five (5) days of written notice from the Landlord, or the Landlord at its option, may bill the tenant for such work as required.
6. Hours of operation/illumination of all illuminated signs shall be approved by the Landlord.
7. Existing tenant signs, installed prior to date of adoption of this document by the City of Visalia, shall be allowed to remain "as is". New signs and/or replacement signs must comply with the Criteria set forth by this document.
8. That any property located outside of the sign program boundary lines and not owned by the property owner of the Sequoia Mall shall have their signage regulated in accordance with Zoning Ordinance Chapter 17.48, not the Master Sign Program. However, any property having shared access within the Sequoia Mall property that is to come under ownership of the greater Sequoia Mall shall become subject to the Master Sign Program.
9. When a new monument sign is installed in accordance with the Master Sign Program being installed, that any existing multi-tenant monument sign located on the project area located within 100 feet of the new monument sign shall be removed.

D. Restrictions & Prohibitions

1. Conformance to the guidelines for signs will be strictly enforced. All non-conforming or unapproved signs are strictly forbidden.
2. Tenant shall not place, construct, or maintain on the premises any advertisement media, including, without limitation, searchlights, flashing lights, loudspeakers, sound systems, or any other similar visual or audio media without Landlord's consent. Tenant shall not solicit business in, on, or about the project identity areas, or distribute handbills or other advertising or promotional media in, on, or about the project identity areas.
3. Any sign or tenant name on a parked vehicle parked for duration of time that in the Landlord's sole judgment indicates its use for the purpose of advertising a particular Tenant, service or product is prohibited.

E. Prohibited Signs & Materials

1. Vacuum-formed or injection-molded plastic signs (except for use with logos).
2. Cabinet or standard "can type" signs with illuminated translucent backgrounds, other than approved logo cabinet signs.
3. Temporary or "sales" signs attached to storefront.
4. Paper, cardboard and Styrofoam signs.
5. Internally illuminated (face lit) awnings.
6. Electronic or animated signs
7. Signs of any kind not specifically allowed by this document.
8. Signs or displays deemed unsuitable by the Landlord.

F. Electrical & Illumination

1. All fabrication and installation shall comply with all Underwriters Laboratories requirements and all applicable building codes. All components shall bare the U.L. label indicating approval and be installed by a licensed contractor.
2. All conductors, transformers, ballasts and other equipment shall be concealed.
3. Primary electric service to all Tenant building signs shall be placed on the Tenant's electric service. Tenants may be required to provide time clocks and photocells for use in conjunction with the electric service each sign.
4. No visible raceways.

SECTION III: Tenant Sign Criteria

G. Exceptions

Exceptions must be submitted to Landlord in advance for consideration. The Landlord reserves the right to make specific exceptions that it deems will enhance the quality of the project and that are in keeping with the purpose and intent of this document. Requests for exceptions that are denied approval by the Landlord may be resubmitted for consideration after a period of twelve (12) months from date of notification of denial. All requests for exceptions shall be submitted to the community planning department for approval upon written approval by landlord.

H. Definition of Terms

1. Primary Elevation:

The main retail entry of the tenants building designated as primary.

2. Secondary Elevation(s):

The side and/or rear sides of the tenants building, other than primary.

3. Identity Display:

A display that identifies and brands the tenants place of business by use of their name and/or logo/tagline.

4. Logo Cabinet:

A sign cabinet that consists of a trademark logo or specific identity.

5. Tag Line:

Descriptive words or slogan that is affiliated with the brand.

6. Ancillary Sign:

A display in support of the tenant brand with unique features about the tenant. Also, it may be to identify a "shop within a shop" (for example: a bank or coffee shop inside the building of the primary tenant).

7. Channel Letters:

An identity display made up of individual dimensional letters.

8. Accessory Signs:

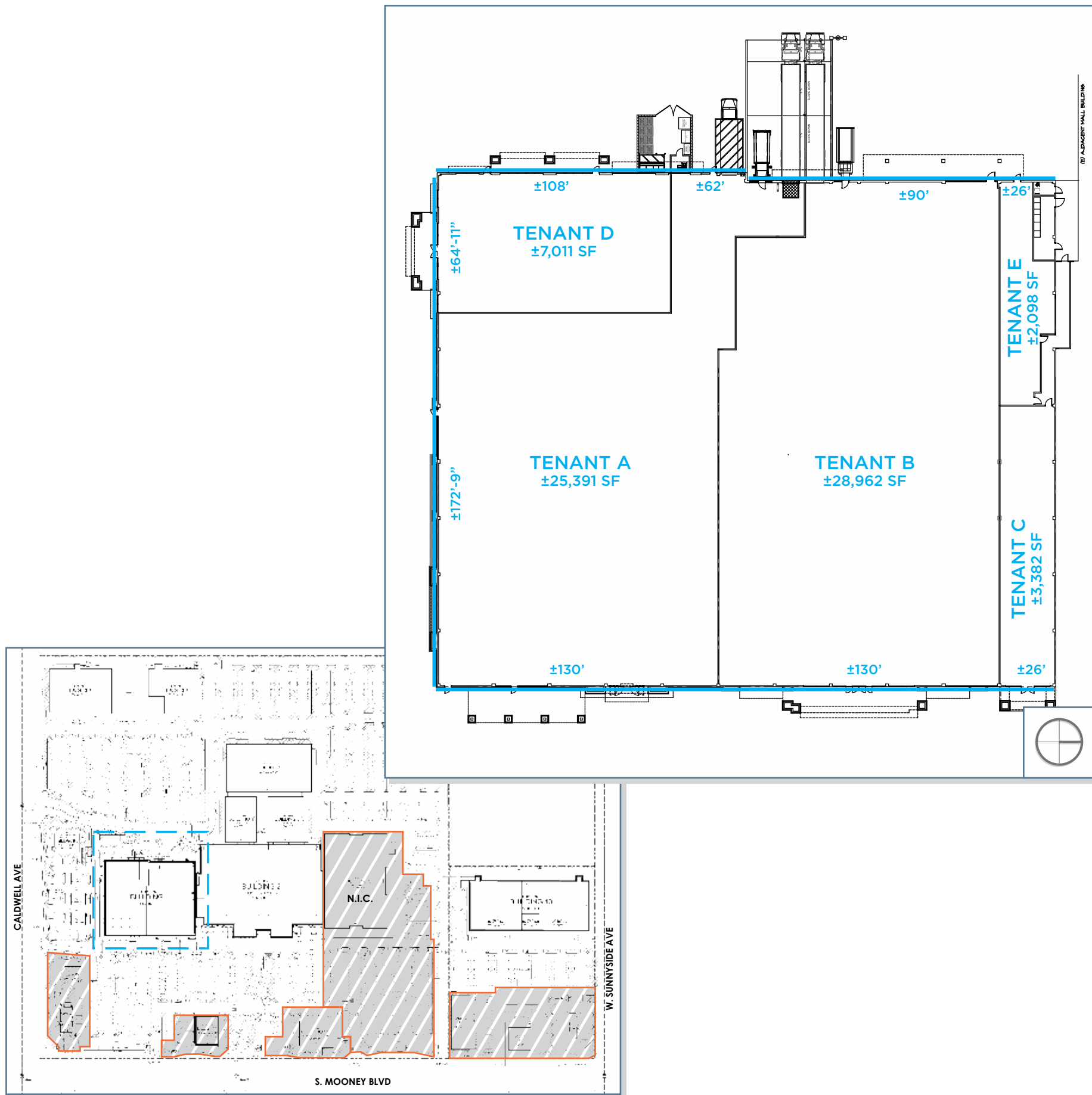
Pedestrian level signage that is either projecting or constructed as a plaque near the primary entrance.

9. Window Posters:

Printed or digital, framed and mounted displays facing out of a window.

10. Window Identity:

Tenant identity display of ID and/or graphic design placed on a window, second surface.



KEY

= Eligible Elevations

= Sign Area

NOTE:

- LEASING PLAN WILL VARY OVER TIME

DISPLAY AREA: EXAMPLE CALCULATIONS

EXAMPLE 1

1

8

7

5

4

6

3

2

Tenant

EXAMPLE 2

1

8

7

5

4

6

3

2

Tenant

1

4

3

2

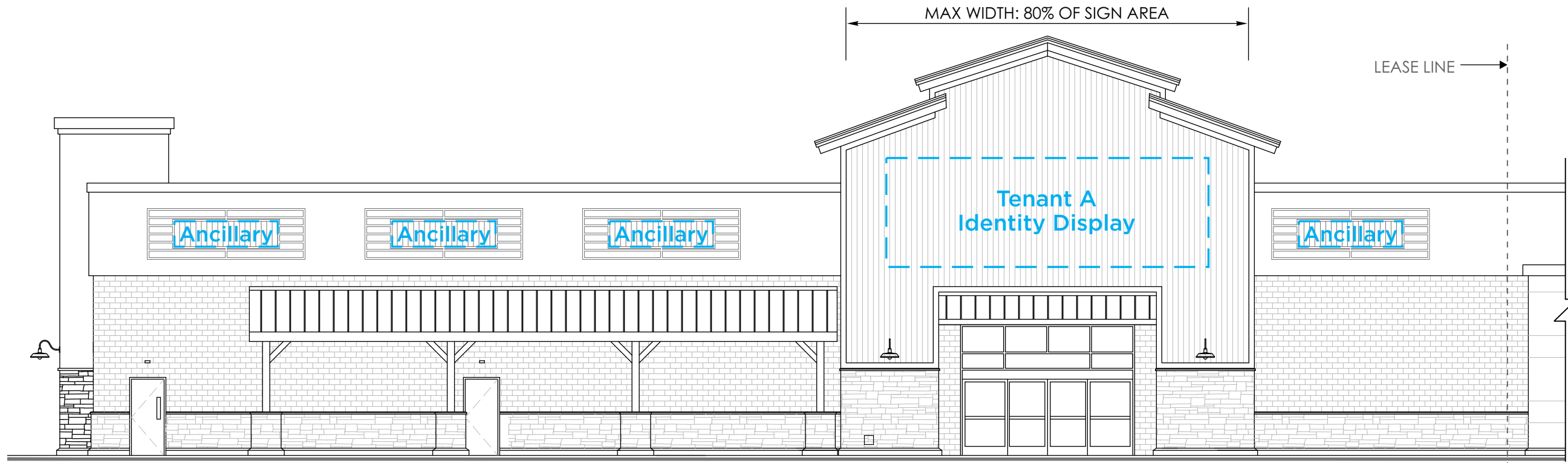
DISPLAY

A geometric shape, up to 8 right-angles that encloses each word or graphic element shall be used for determining the sign area.

Section THREE

SITE PLAN

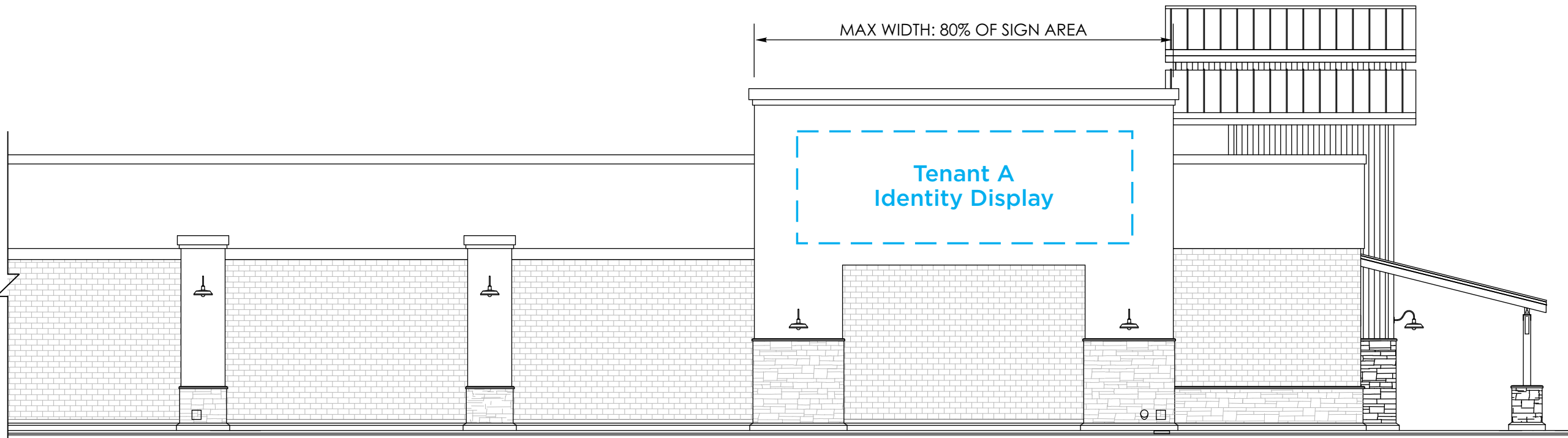
36



TENANT A (PRIMARY) / PARTIAL EAST ELEVATION

ALLOWED: 2 SQ. FT. PER 1 LINEAL FOOT / MAX 250 SQ. FT. COMBINED AREA

SCALE: 3/32" = 1'-0"

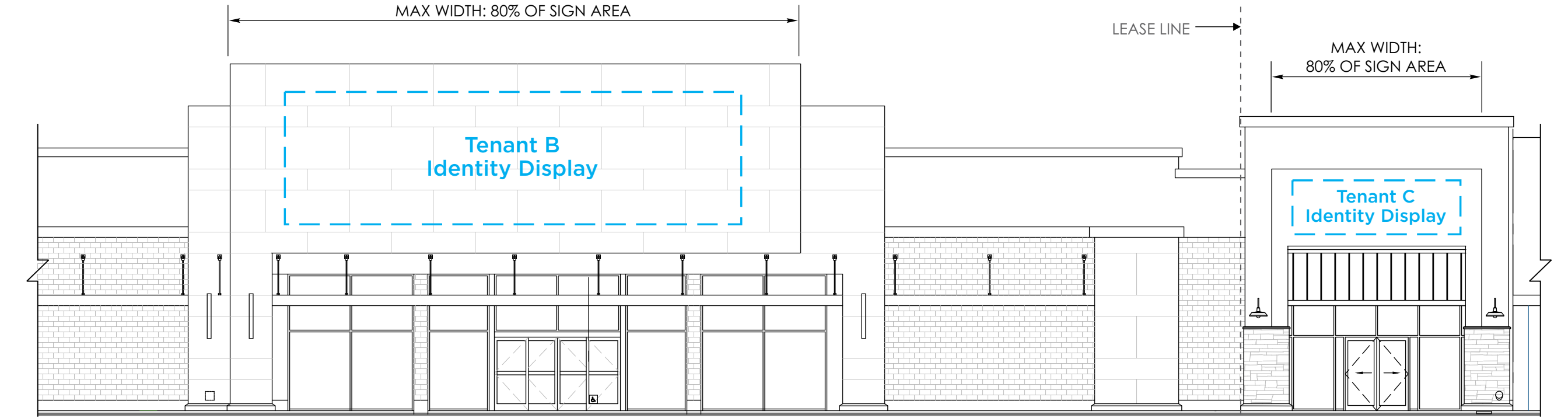


TENANT A (SECONDARY) / PARTIAL SOUTH ELEVATION

ALLOWED: 2 SQ. FT. PER 1 LINEAL FOOT / MAX 100 SQ. FT.

SCALE: 3/32" = 1'-0"

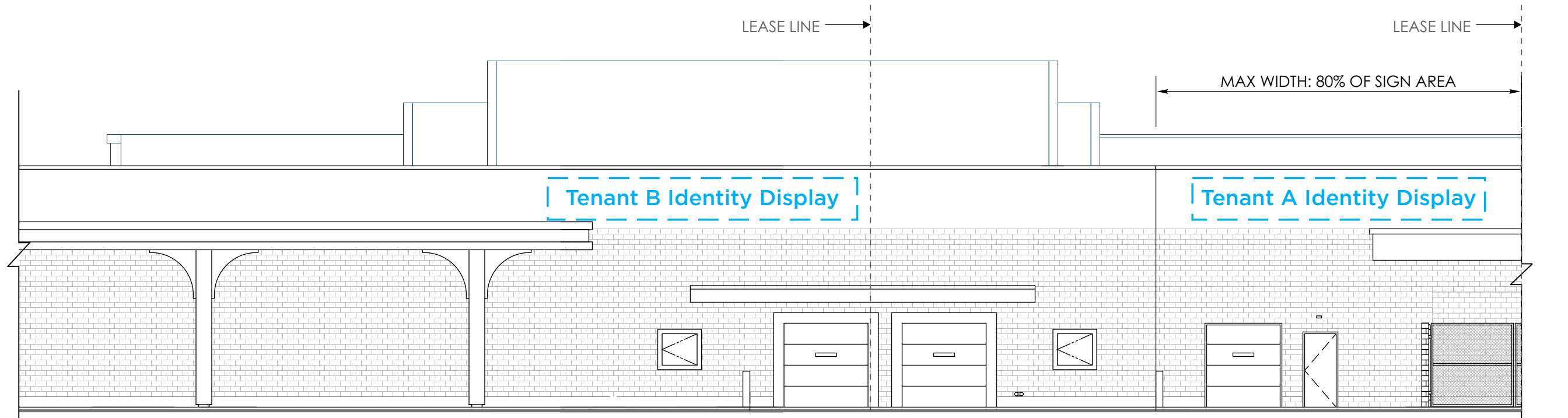
NOTE: EXAMPLE LAYOUT SHOWN, ACTUALS MAY VARY



TENANT B (PRIMARY) / PARTIAL EAST ELEVATION

ALLOWED: 2 SQ. FT. PER 1 LINEAL FOOT / MAX 250 SQ. FT. COMBINED AREA

SCALE: 3/32" = 1'-0"

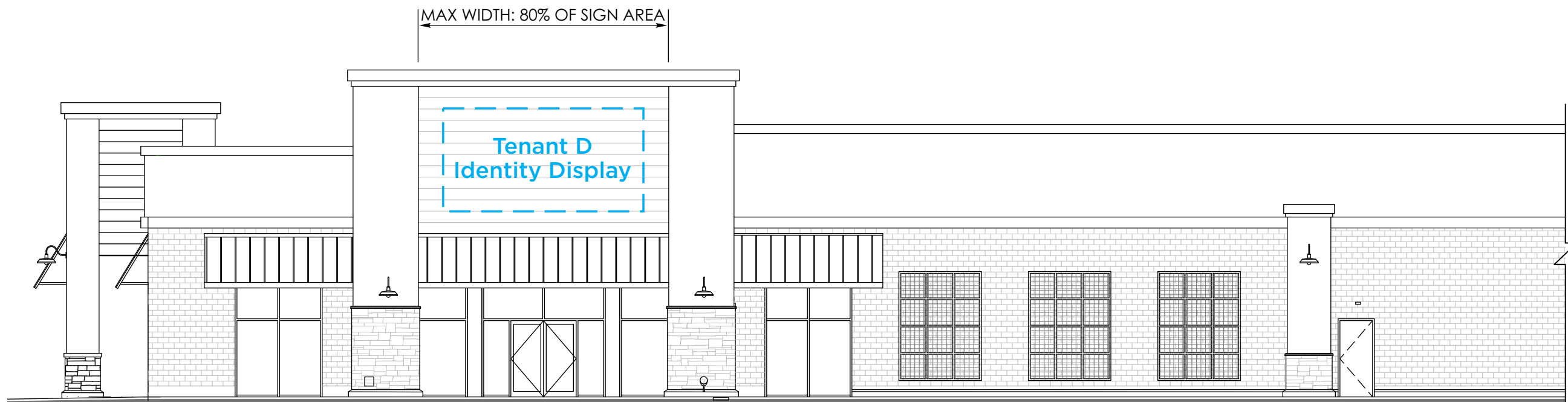


TENANT A & B (SECONDARY) / PARTIAL WEST ELEVATION

ALLOWED: 2 SQ. FT. PER 1 LINEAL FOOT / MAX 100 SQ. FT.

SCALE: 3/32" = 1'-0"

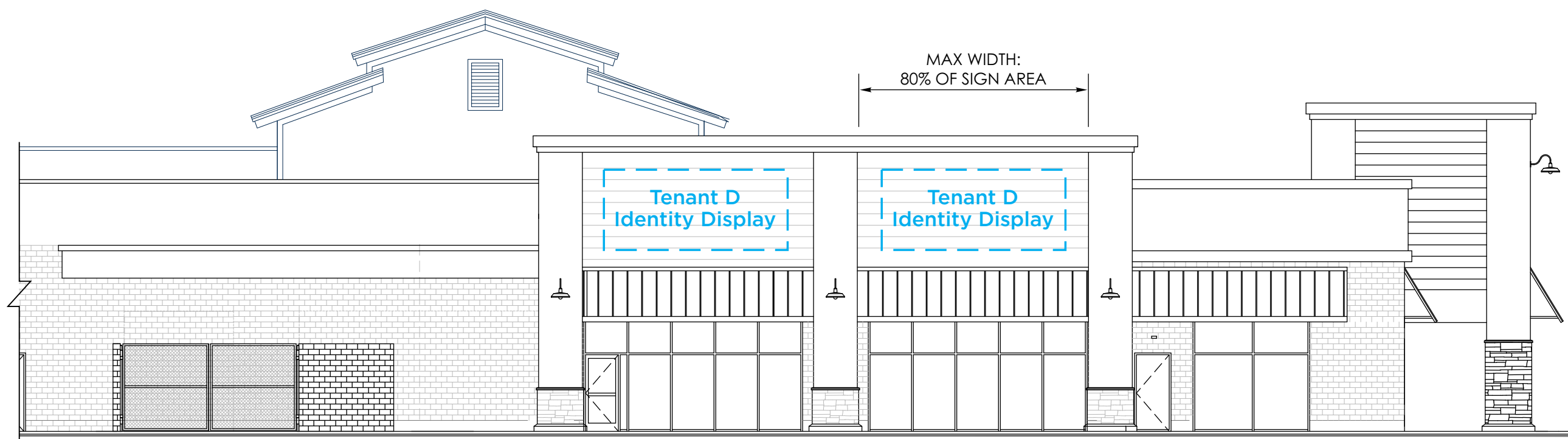
NOTE: EXAMPLE LAYOUT SHOWN, ACTUALS MAY VARY



TENANT D (PRIMARY) / PARTIAL SOUTH ELEVATION

ALLOWED: 2 SQ. FT. PER 1 LINEAL FOOT / MAX 150 SQ. FT. AGGREGATE

SCALE: 3/32" = 1'-0"



TENANT D (SECONDARY) / PARTIAL WEST ELEVATION

ALLOWED: 2 SQ. FT. PER 1 LINEAL FOOT / MAX 150 SQ. FT. AGGREGATE

SCALE: 3/32" = 1'-0"

Section THREE

SHEET 3

NOTE: EXAMPLE LAYOUT SHOWN, ACTUALS MAY VARY

Section FOUR

TENANT
DISPLAY TYPES:
SEQUOIA MALL

- Tenant Display Type Guidelines
- Exhibits/Examples

SECTION IV: Tenant Display Types - All Tenants

This section provides a selection of individual sign designs based upon their location, orientation and purpose. Illustrations of each sign type are provided in this section. Construction drawings to be provided by tenant, or, tenants' representative.

A. Channel Letters-Internally Illuminated (LED's)

- Face-lit channel letters
Fabricated aluminum bodies with translucent faces, five inches deep with LED illumination, either self-contained or with remote power supplies. No visible wireways or raceways allowed except as a base for ledge-mount letters.
- Halo-illuminated channel letters
Fabricated aluminum bodies and faces with clear acrylic backs, 3 inches deep with LED illumination, either self-contained or with remote power supplies. No visible wireways or raceways allowed except as a base for ledge-mount letters.
- Face-lit logo cabinets and/or accessory signs (not to exceed an area greater than 40% of the overall display) Fabricated aluminum bodies with translucent faces, five inches deep with LED illumination, either self-contained or with remote power supplies. No visible wireways or raceways allowed except as a base for ledge-mount displays.
- Ledge-mounted channel letters
Fabricated aluminum bodies with translucent faces (or opaque faces in cases of halo-lit letters), five inches deep with LED illumination, either self-contained or with remote power supplies. No visible wireways or raceways allowed except as a base for ledge-mount letters.

B. Accessory Signs: Under-Canopy/ Projecting Blade / Wall Plaques

1. All under-canopy and projecting blade signs shall be installed at right angles to the public path-of-travel as shown in the exhibits section of this document. Under-canopy, blade signs and wall plaques shall be located on the tenant's primary elevation.
2. The under-canopy/projecting blade signs are to be non-illuminated 2" deep fabricate aluminum construction with dimensional graphic/copy. Wall plaques are to be non-illuminated.
3. The maximum sign area is six square feet (6 sq. ft.). The copy/graphics area must maintain a border of 2" from the edge of the sign and as indicated in the exhibits section of this document.
4. Refer to the exhibits section for approved examples of sign types allowed, construction and illumination methods, layouts and locations. Various shapes are allowed so long as they are within the size restrictions, visual interest is the key element.

C. Window Posters: Static and/or Digital

1. Each window poster display shall not exceed 40% of the window pane area upon which the poster is to appear, up to a maximum of twenty (20) sq. ft. A maximum of two (2) poster displays are allowed on each eligible elevation.
2. The posters must be installed to the interior side of the glazing (second surface).
3. Static posters (print) must be professionally framed/mounted and may not be taped to the glazing. Dynamic (digital) posters shall be high-resolution and messages must be constant for a minimum of five (5) minutes per message.

D. Window Identity

1. Window identities shall not exceed twelve (12) sq. ft. per sign with a maximum of one (1) window identity per tenant, per elevation.
2. Window identities are encouraged to include a graphic representation of the tenant's products or services in addition to the display of the tenant name and/or logo. It is recommended that the graphic occupy at least 40% of the allowable display area described above.
3. The landlord reserves the right to approve window identities of any type and may, at its own discretion, deny the use of any window display by any tenant for any reason.

E. Window Graphics

1. Window graphics are intended to display seasonal, theme or lifestyle images and are not intended to promote specific products, product categories or contain commercial messages.
2. Window graphics shall not exceed 40% of the total window area upon which the graphic is to be applied, per eligible elevation.
3. The window graphics must be applied to the interior side of the glazing (second surface). The materials encouraged for use with window graphics are a combination of;
 - Gold or silver leaf
 - Enamel paints
 - Vinyl material such as 3M
 - Perforated vinyl such as 3M dual-color film

SECTION IV: Tenant Display Types - All Tenants

(E. Window Graphics, continued)

- 4. The use of plastic or paper materials is strongly discouraged. All window signage must be approved by the landlord and may require the submittal of materials and/or finishes.
- 5. Refer to the exhibits section for approved examples of sign types allowed, construction and illumination methods, layouts and locations.
- 6. Window graphics are limited to a maximum continuous display of two (2) weeks and not more than two (2) months per year.
- 7. The landlord reserves the right to approve window graphics and may, at its own discretion, deny the use of any graphic display by any tenant for any reason.

F. Temporary Banners

It is intended that temporary banner signs will advertise a tenant's "Coming Soon" and "Grand Opening" only. All such signs must be reviewed and approved by the Landlord.

- 1. Temporary banners must be professionally designed and fabricated from durable and weatherproof materials. The maximum area for any temporary banner is:
 - Tenants with up to 4,999 sq. ft.: 20 sq. ft., one banner only.
 - Tenants with 5,000 to 19,999 sq. ft.: 30 sq. ft., one per eligible elevation.
 - Tenants with 20,000 sq. ft. and above: 40 sq. ft., one per eligible elevation
- 2. Temporary banners may be displayed for no more than 14 days per year.
- 3. All temporary banners must be submitted for approval by the Landlord in advance of display

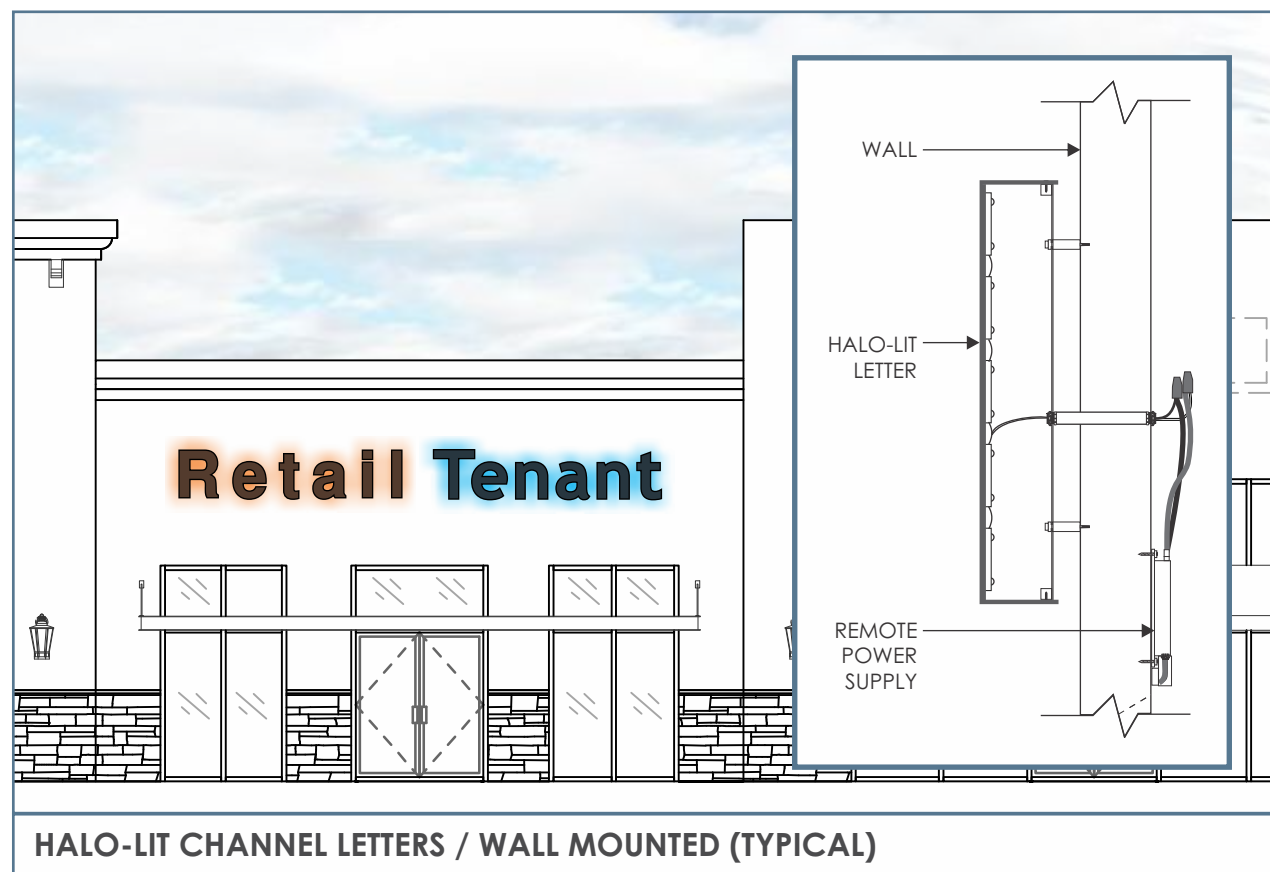
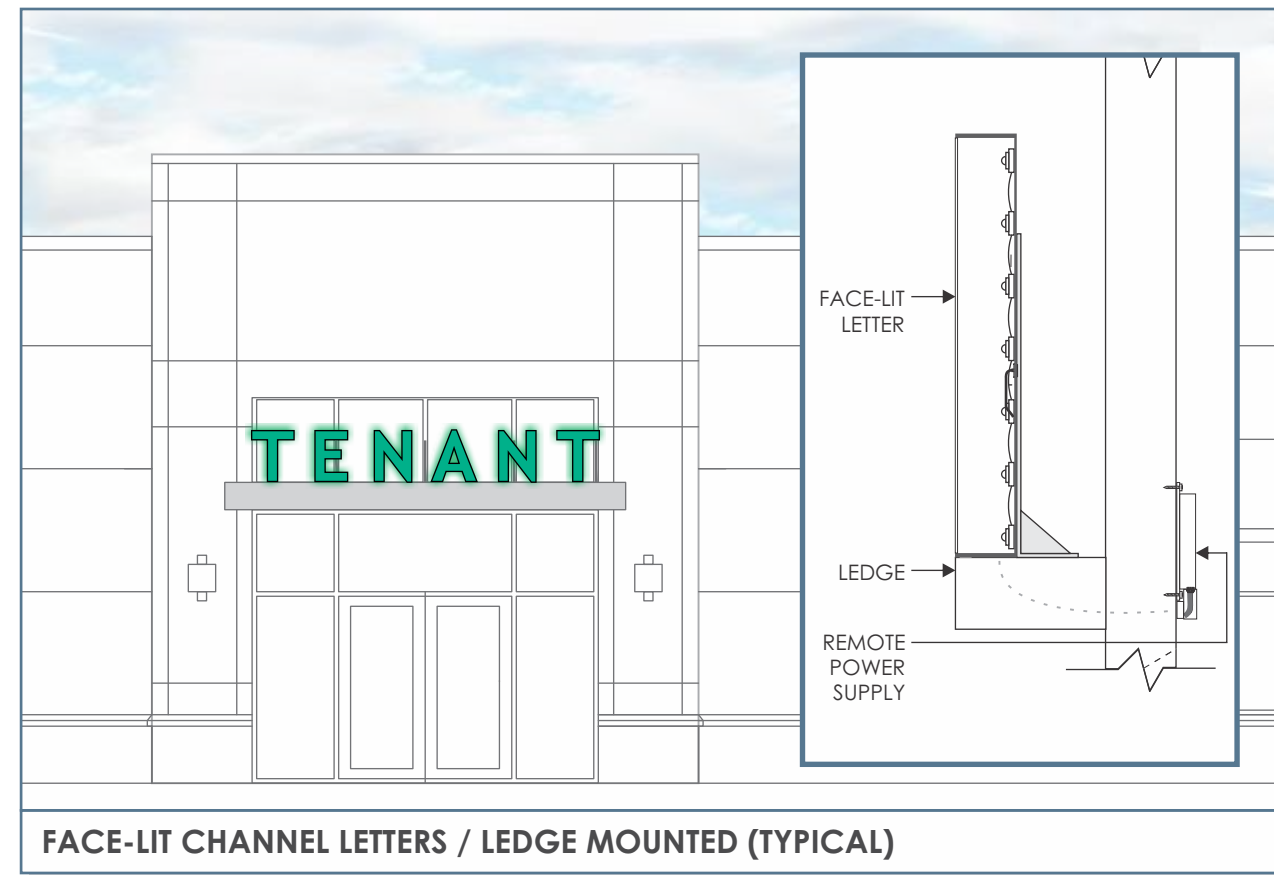
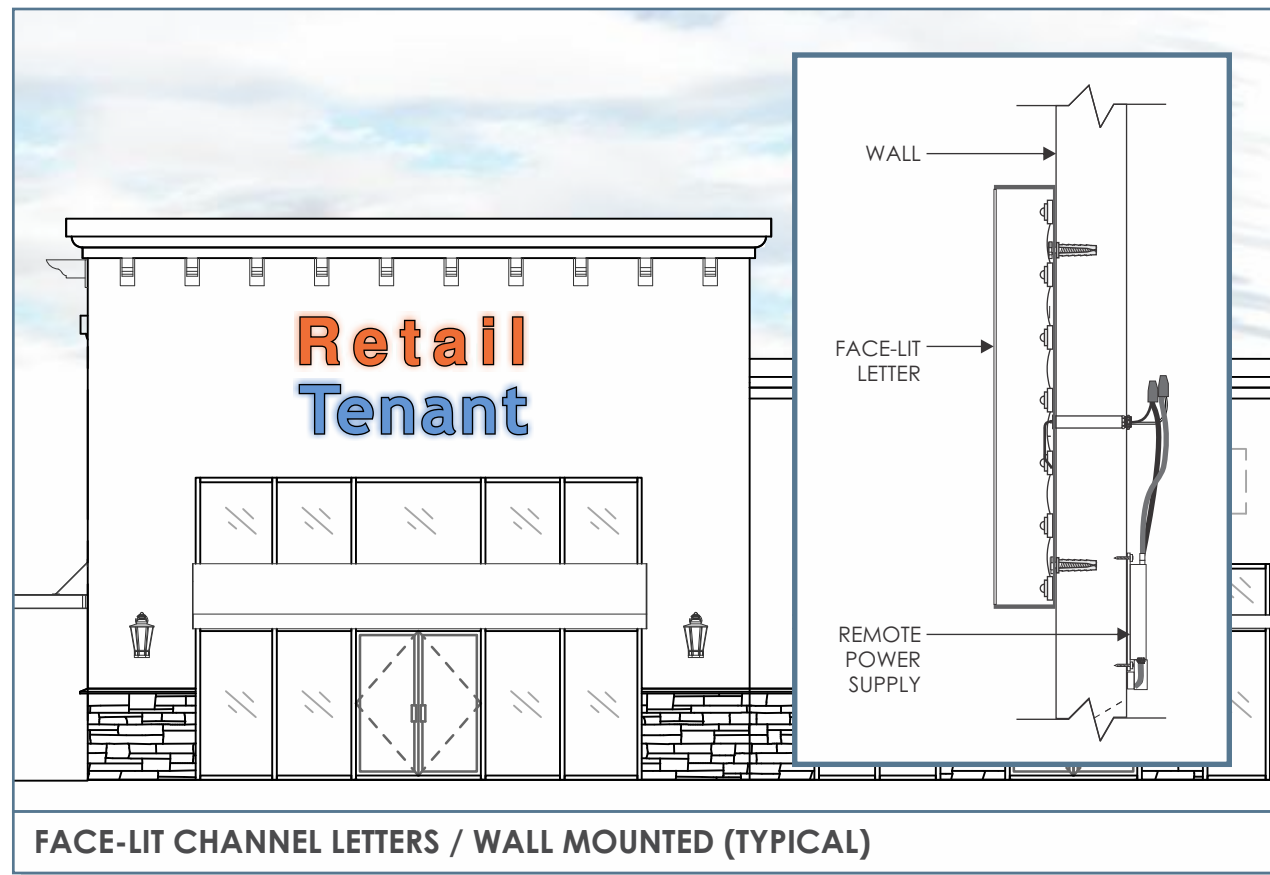
G. Incidental Tenant Signage

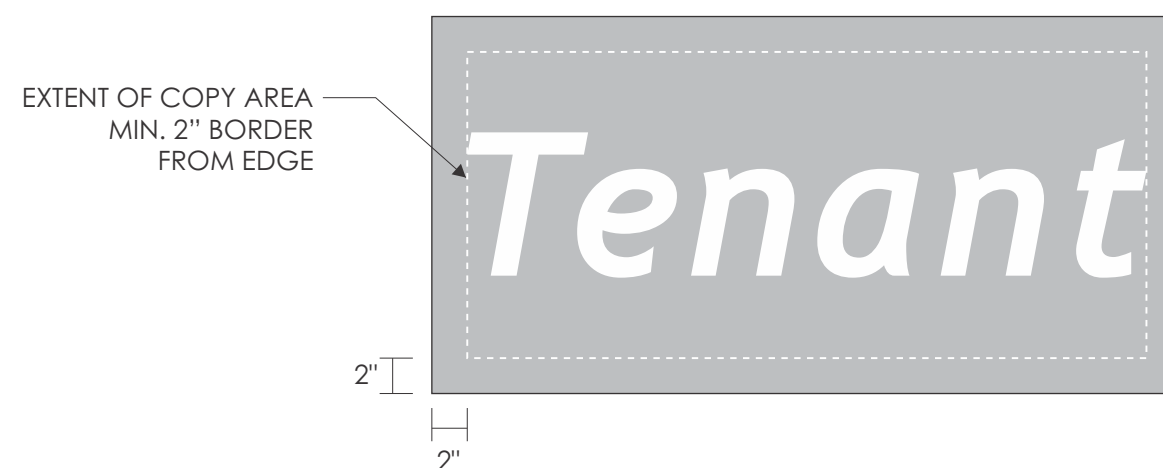
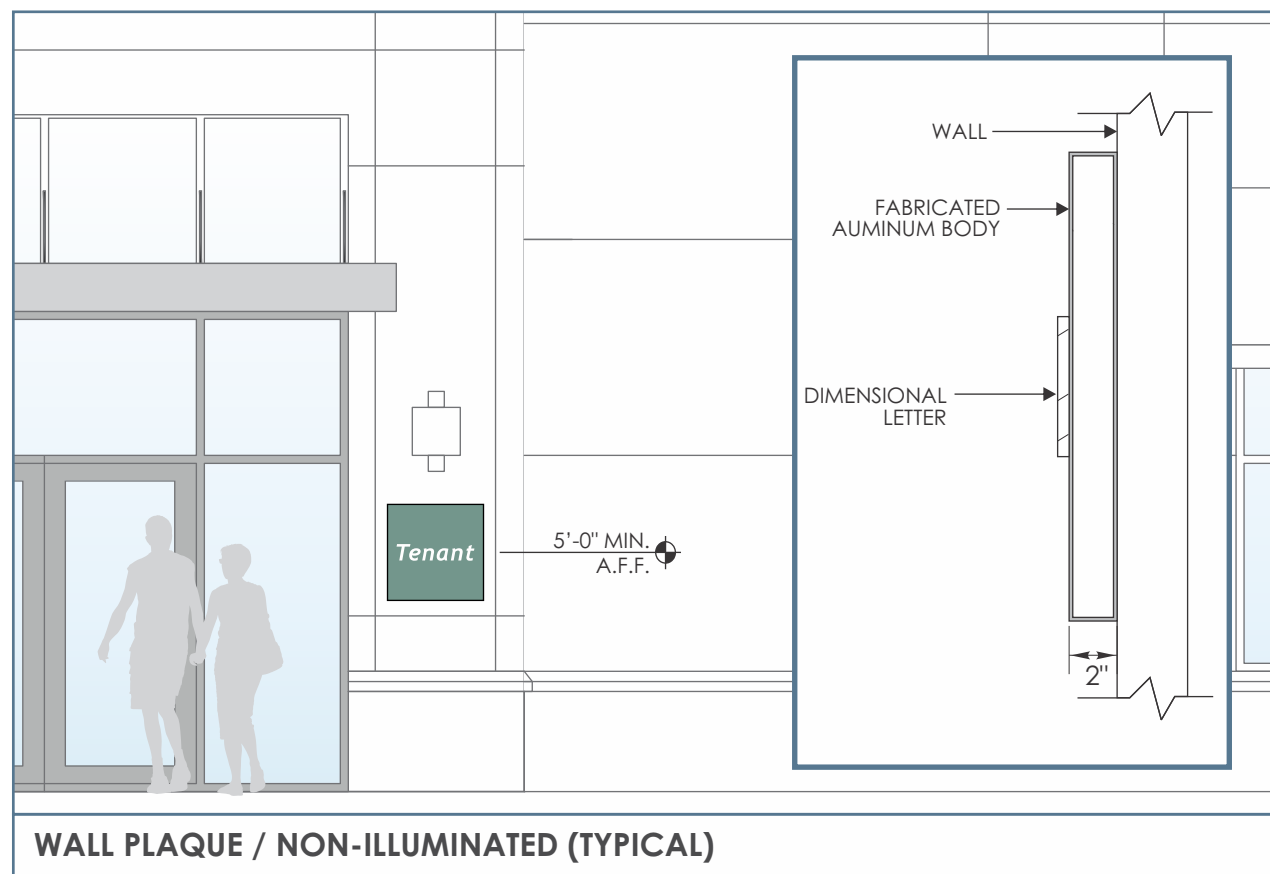
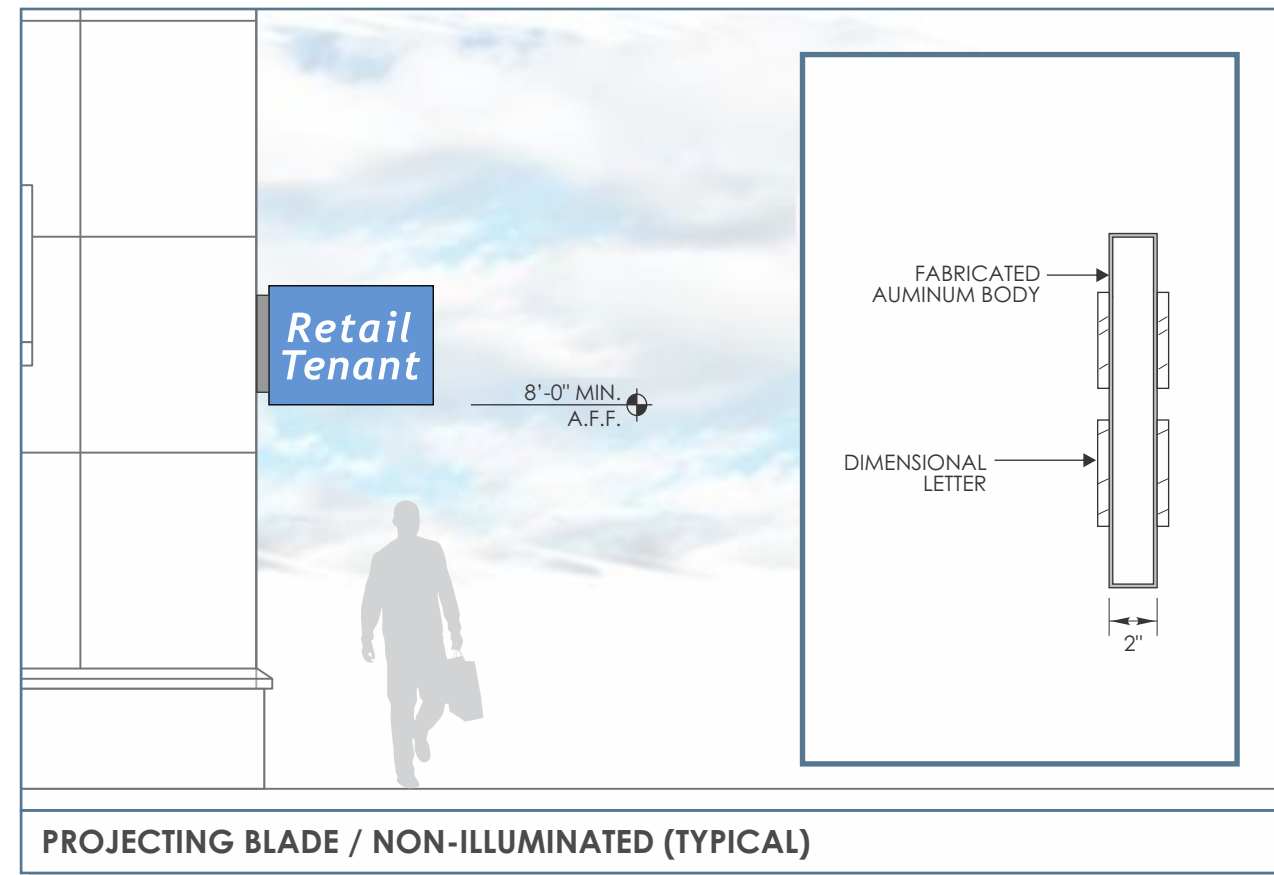
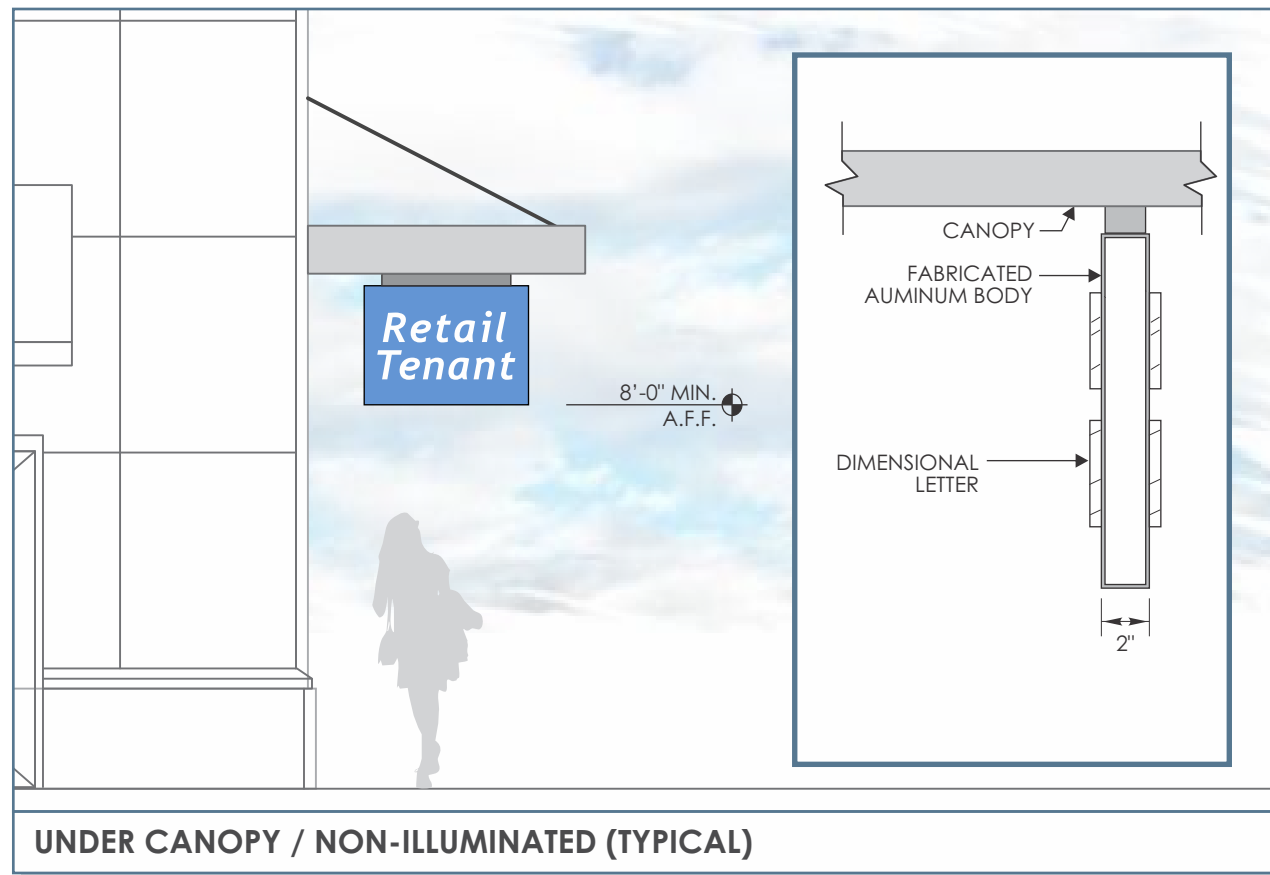
- 1. Tenant address numerals are to be fabricated and installed on the entrance door using 6" high medium Helvetica numerals. The material shall be 3M Scotchcal 7725-20, matte white (or equal).
- 2. Entry door decals shall be limited to the display of the tenant hours of operation, not to exceed 18" high X 12" wide, and no more than three (3) credit card decals.
Note: Does not include address numerals described above.
- 3. Rear entry signs shall be uppercase medium Helvetica style numerals and letters. The copy is limited to the tenant name and address numerals only. Copy height shall be 3" inches, and centered horizontally from top of each door with 2" space between address numbers and Tenant name and located 5' from grade. The material shall be 3M Scotchcal 7725-101, nimbus gray (or equal). Maximum sign area is two square feet (2 sq. ft.).
- 4. Refer to the exhibits section for example layouts and locations.

H. Menu Boards/Drive-thru signs

Tenants with drive-thru services may display menu boards and enter/exit signs as per the guidelines below:

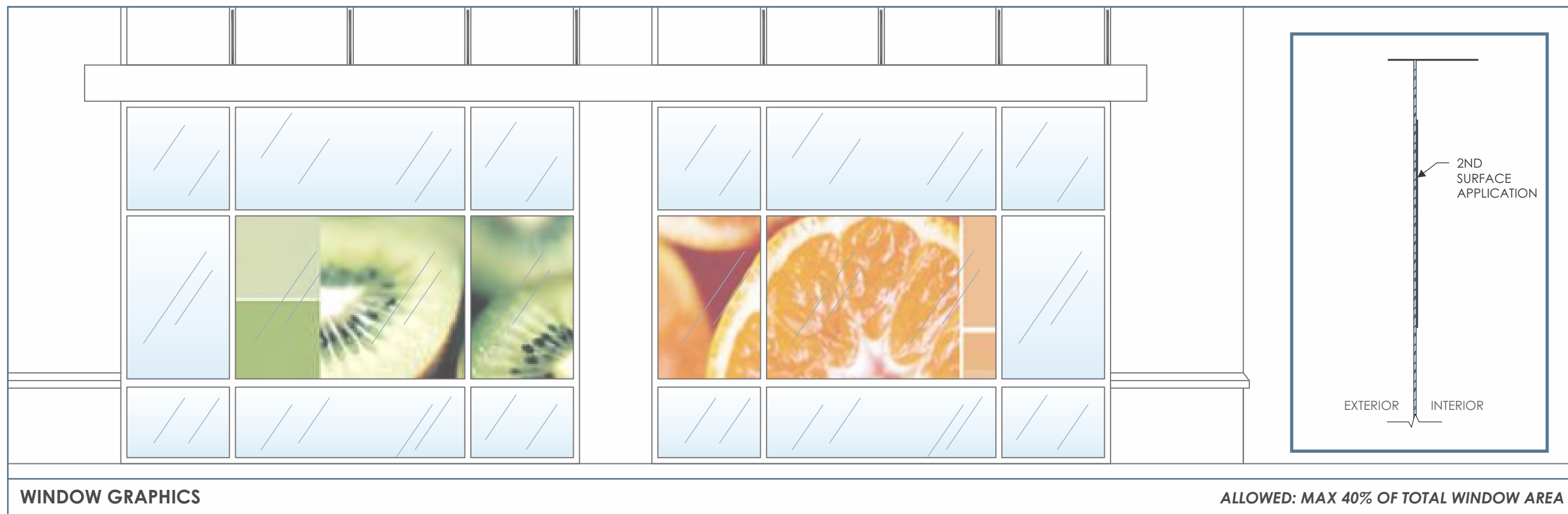
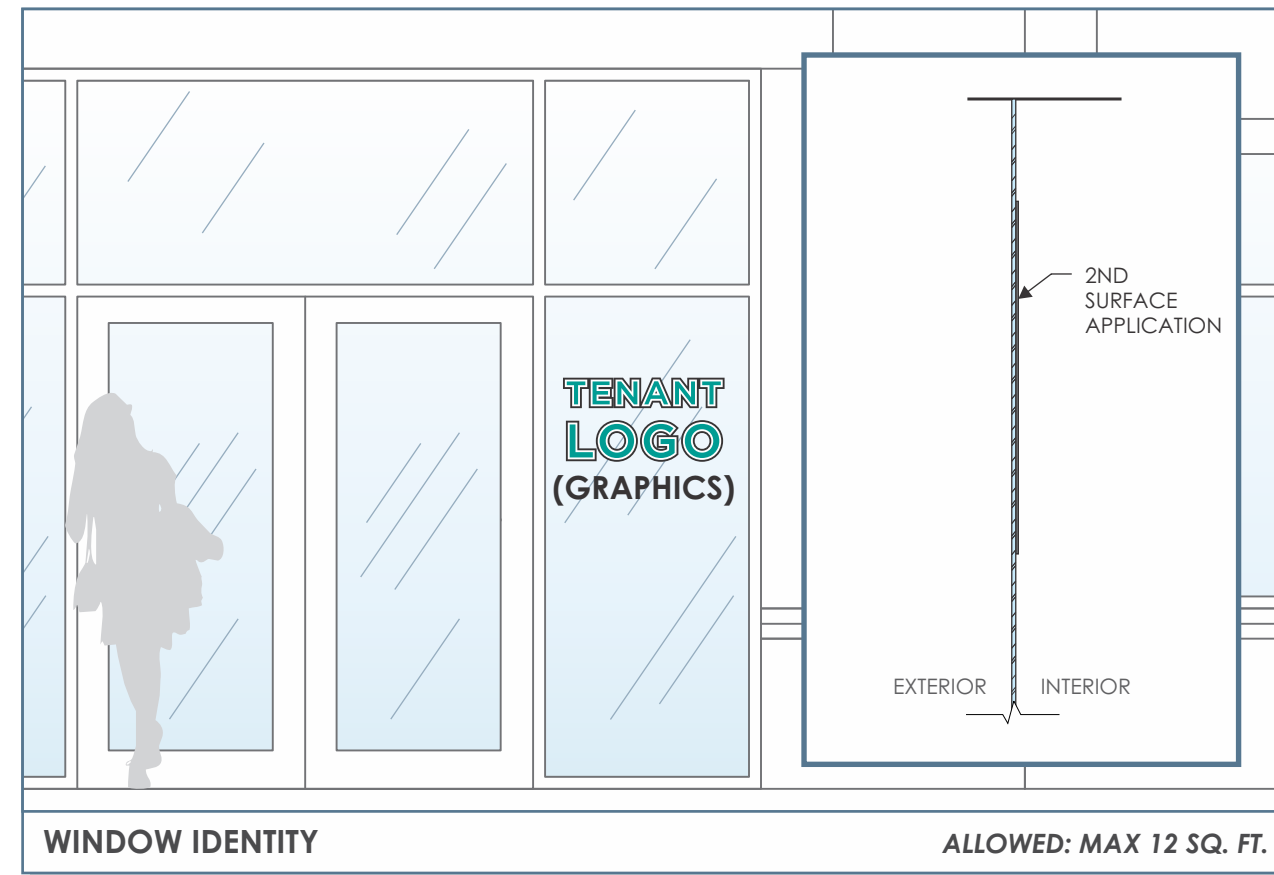
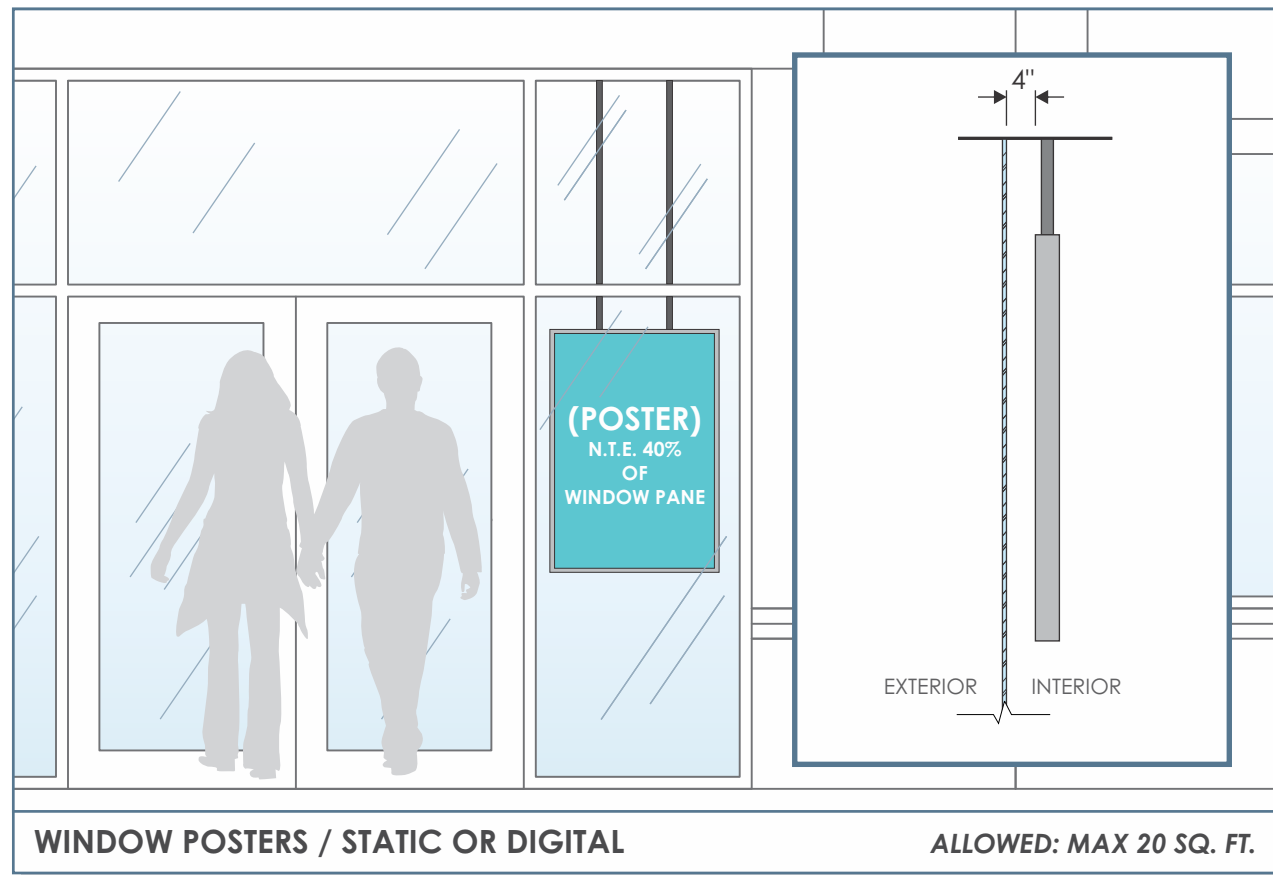
- 1. Menu board display(s)
Permanent ground sign(s) which provide product and service prices and other product specific information (sizes available, etc.) for vehicle occupants at drive-through lanes. Menu boards are to be single-sided and internally illuminated and include video/voice communication systems.
 - One (1) "pre-menu" board, maximum sign area: 15 sq. ft.
 - One (1) "multi-panel" (main) menu board, maximum sign area: 25 sq. ft.
 - Maximum height allowed, either display: seven feet (7')
 - Location(s) to be on-premise (leasehold) property only
- 2. Vehicle directional sign(s)
Directional and entry/exit signs may be displayed at, or near, the entries and exits of the drive-thru service lanes and may not contain commercial messages beyond the identity of the food service provider . Directional signs may include a directional arrow or message (eg; "right turn"). Entry/exit and directional signs may be internally illuminated and double, or single-sided.
 - Two (2) "entry/exit" (one at each end of drive-thru), maximum sign area 5 sq. ft., each.
 - Two (2) "directional signs", maximum sign area 5 sq. ft., each.
 - Maximum height allowed is five feet (5')
 - Location(s) to be on-premise (leasehold) property only.





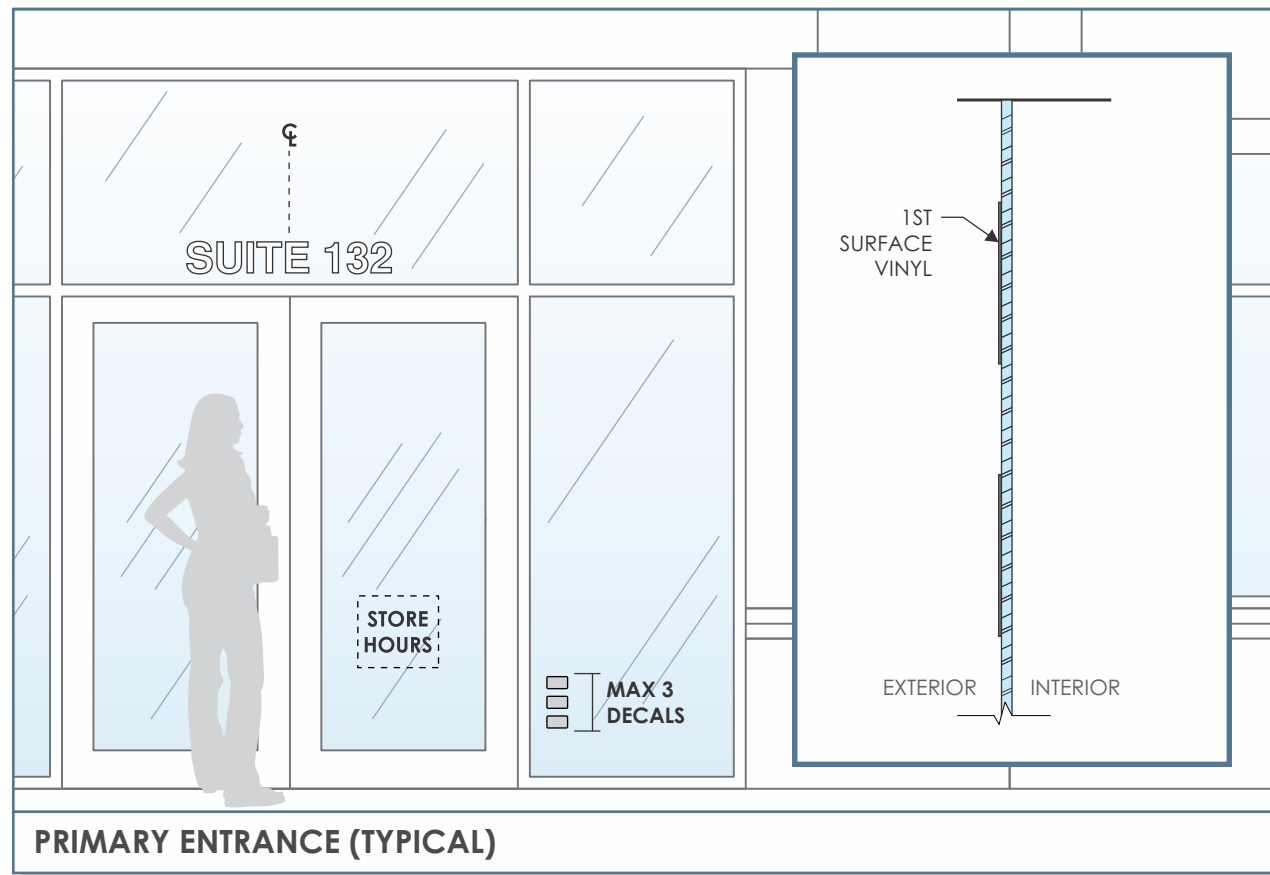
ALLOWED: MAX 6 SQ. FT.

Section FOUR
SHEET 2



Section FOUR

SHEET 3



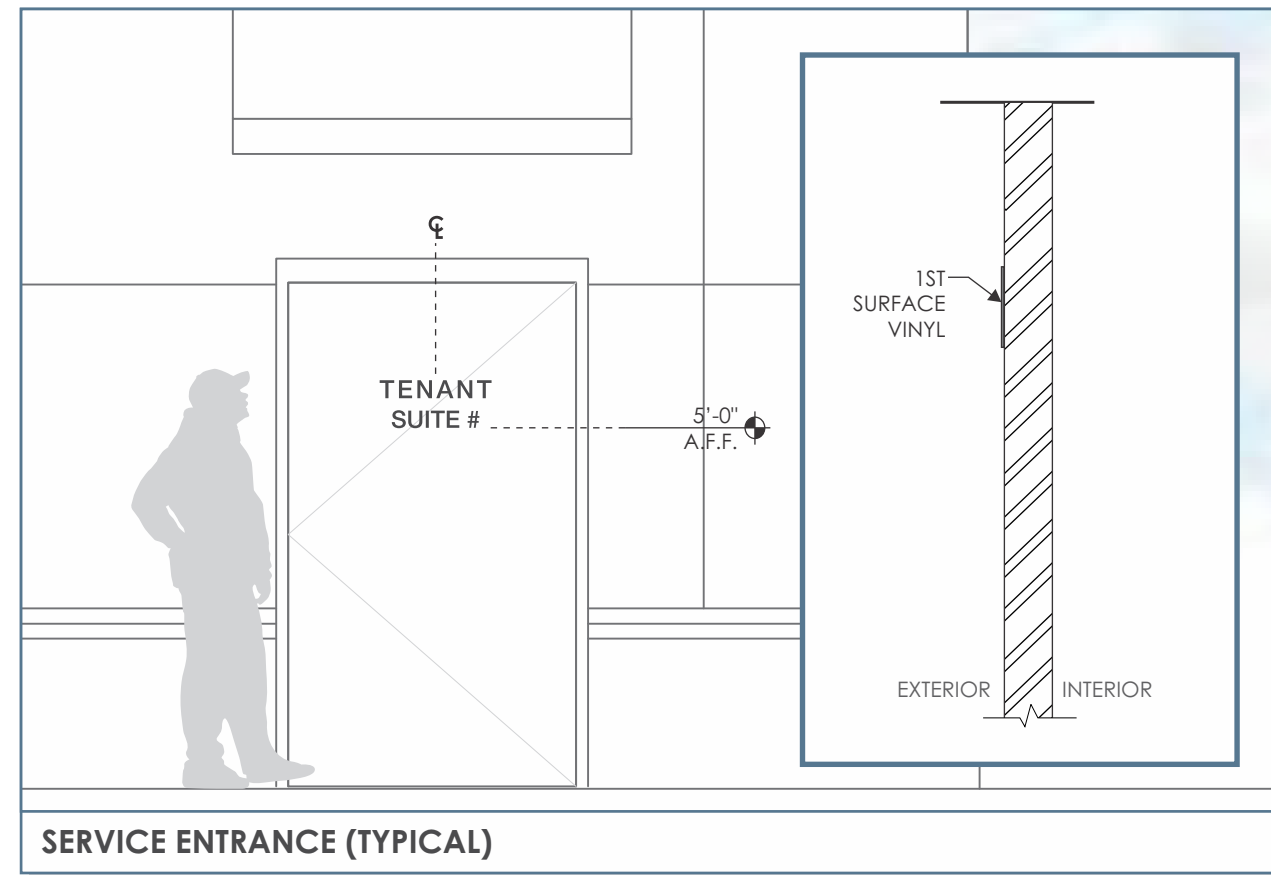
MEDIUM HELVETICA,
1ST SURFACE VINYL

6" **SUITE 132**

INCIDENTAL: ADDRESS NUMERALS (TYPICAL)

	12" MAX		
18" MAX	MON	8AM - 9PM	1ST SURFACE VINYL
	TUE	8AM - 9PM	
	WED	8AM - 9PM	
	THU	8AM - 9PM	
	FRI	8AM - 11PM	
	SAT	8AM - 11PM	
	SUN	CLOSED	

INCIDENTAL: STORE HOURS (TYPICAL)



MEDIUM HELVETICA,
1ST SURFACE VINYL

3"
2"
3" **RETAIL TENANT
SUITE 132**

INCIDENTAL: SERVICE ENTRANCE (TYPICAL)

ALLOWED: MAX 2 SQ. FT.

RESOLUTION NO. 2023-28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2023-15: A REQUEST BY BLAIR SIGN PROGRAMS TO ADOPT A MASTER SIGN PROGRAM ASSOCIATED WITH THE REDEVELOPMENT OF 28.5-ACRE SEQUOIA MALL COMMERCIAL CENTER, INCLUDING THE ADDITION OF MONUMENT SIGNS THAT EXCEED CITY STANDARDS FOR HEIGHT AND SIGN AREA. THE PROPERTY IS LOCATED WITHIN THE CITY'S REGIONAL COMMERCIAL (C-R) ZONE DISTRICT. THE PROJECT SITE IS LOCATED AT THE NORTHWEST CORNER OF SOUTH MOONEY BOULEVARD AND WEST CALDWELL AVENUE. (APN: 121-100-049, 050; 121-110-023, 034, 041, 043, 049, 050 052, 055)

WHEREAS, Conditional Use Permit No. 2023-15 is a request by Blair Sign Programs to adopt a master sign program associated with the redevelopment of 28.5-acre Sequoia Mall commercial center, including the addition of monument signs that exceed City standards for height and sign area. The property is located within the City's Regional Commercial (C-R) zone district. The project site is located at the northwest corner of South Mooney Boulevard and West Caldwell Avenue. (APN: 121-100-049, 050; 121-110-023, 034, 041, 043, 049, 050 052, 055); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on June 12, 2023; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit to be in accordance with Chapter 17.38.110 and Chapter 17.48.140 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15311.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the proposed conditional use permit is consistent with the intent and the criteria of the Zoning Ordinance, particularly Section 17.48.140 regarding master sign programs.
2. That the proposed signs are in harmony and visually related to:
 - a) *Other Signs Included in the Master Sign Program.* The master sign program demonstrates incorporation of monument signs with a color and finish schedule, which would also be carried over to wayfinding and address signs.
 - b) *The Buildings They Identify.* The monument signage utilized in the master sign program universally uses stone veneer siding and white stucco with accent

colors, wherein these elements will be heavily utilized in the redeveloped buildings in the mall.

- c) *The Surrounding Development.* The approval of the master sign program does not adversely affect surrounding land uses or obscure adjacent conforming signs. Similar to Sequoia Mall, other commercial shopping centers, such as Packwood Creek and Orchard Walk, utilize multiple monument signs that exceed height and size to publicize multiple primary tenants and utilize wall signs that exceeds sign ordinance standards to match the scale of the building.
3. That the proposed signs comply with all the provisions of the Sign Ordinance (i.e., Chapter 17.48), except with regard to number of signs allowed and the location and height of signs.
 4. The requested action is considered Categorically Exempt under Sections 15311 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). This category exempts the installation of signs (Categorical Exemption No. 2023-22).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 and 17.48.140 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That all signage depicted inside the boundary lines depicted in Exhibit "B", be developed in substantial compliance with the Master Sign Program attached as Exhibit "A", except as otherwise noted in the following conditions of approval.
2. That any property located outside of the sign program boundary lines and not owned by the property owner of the Sequoia Mall shall have their signage regulated in accordance with Zoning Ordinance Chapter 17.48, not the Master Sign Program. However, any property having shared access within the Sequoia Mall property that is to come under ownership of the greater Sequoia Mall shall become subject to the Master Sign Program.
3. That no more than one corner identification sign as illustrated in Master Sign Program Exhibit A, located at the intersection of Mooney Boulevard and Caldwell Avenue, be permitted.
4. That only tenants with floor area of 20,000 square feet or greater are eligible for wall sign area beyond 150 square feet up to 250 square feet on a primary frontage and eligible for up to an additional 100 square feet of wall sign area on a secondary frontage.
5. When a new monument sign is installed in accordance with the Master Sign Program being installed, that any existing multi-tenant monument sign located on the project area located within 100 feet of the new monument sign shall be removed.
6. That no electronic or animated signs are permitted as part of this Master Sign Program.
7. That a sign permit shall be obtained for each wall sign and monument sign.
8. The applicant and all successors in interest shall comply with all applicable federal, state and city codes and ordinances.

Commissioner Peck offered the motion to this resolution. Commissioner Beatie seconded the motion and it carried by the following vote:

AYES: Commissioners Peck, Beatie, Gomez, Hansen

NOES:

ABSTAINED:

ABSENT: Commissioner Tavaréz

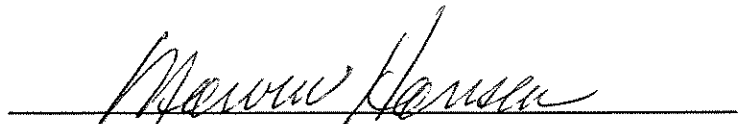
STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF VISALIA)

ATTEST: Paul Bernal, Community Development Director

I, Paul Bernal, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2023-28, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on June 12, 2023



Paul Bernal, Community Development Director



Marvin Hansen, Chairperson


Exhibit "E"

× *Entertainment • News*

VALLEY

Volume XII No. 5 • March 1992 1007 West Center Street, P.O. Box 571

Sequoia Mall Owner Buys Tower Plaza



Sequoia Mall owner, Homart Development Company, is buying its next door neighbor—Tower Plaza in a deal set to close within the next 30 days. A Homart spokesman who declined to be identified confirmed the purchase from Continental Properties after a potential second buyer, Texas developer John Frantz, had a deal to buy the four-plus acre retail center. Homart is actually purchasing Frantz's position in the transaction said the spokesman.

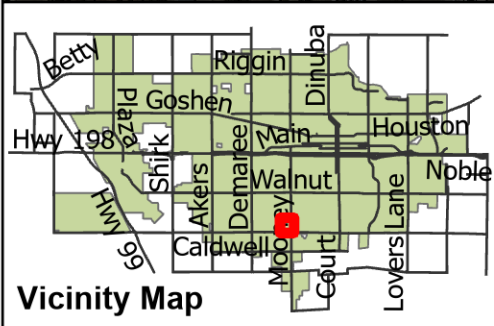
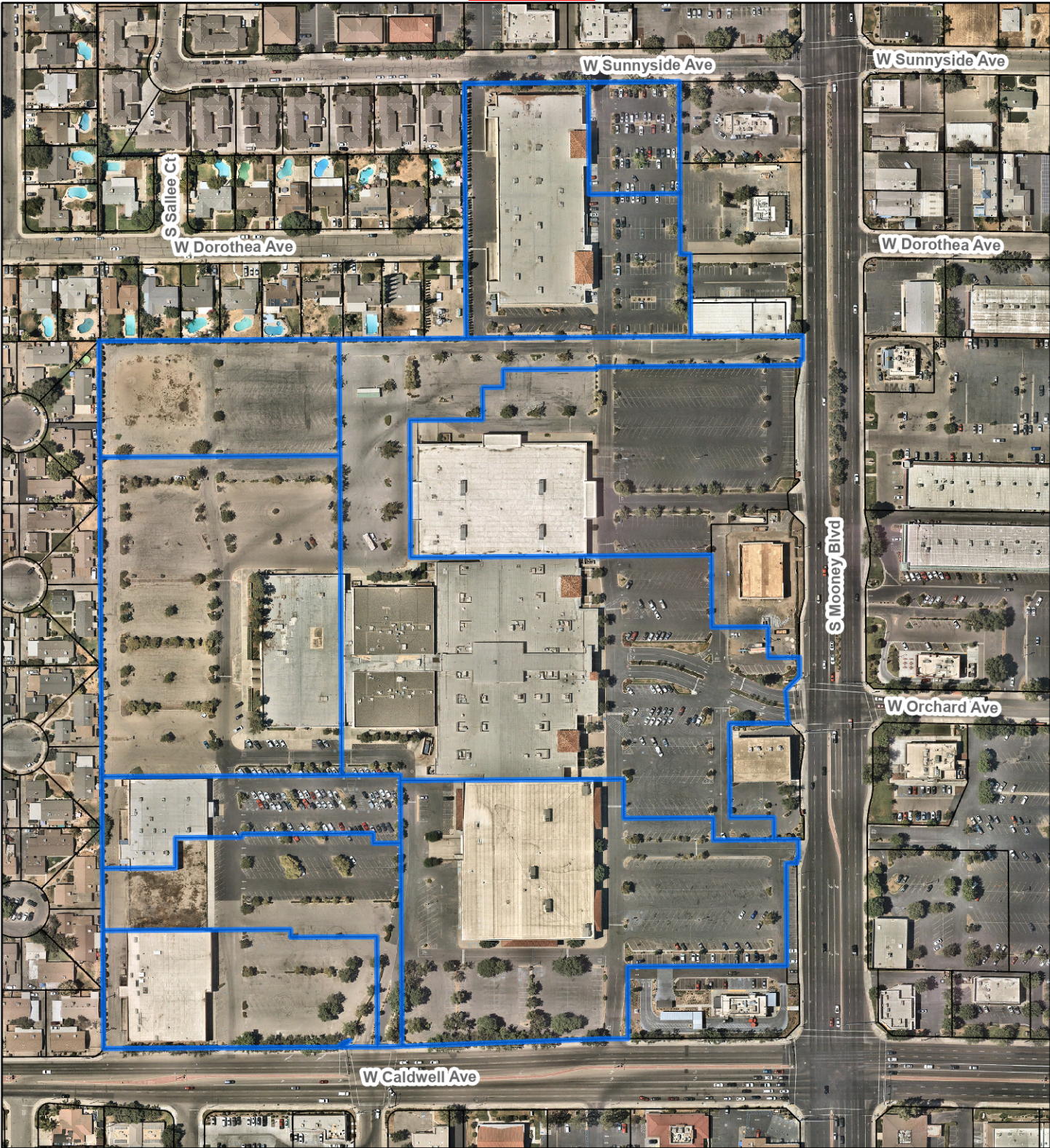
Terms of the sale were not available although the property was believed to have been sold for about \$3 million. The property had been "shown all over Southern California," said a realtor familiar with the center. Frantz was buying it as a good investment. But now he turned out to be simply a middleman.

Homart had been waiting for the right time to buy the center but Frantz "got there ahead of them" said a source familiar with the transaction. Renters at the

Tower Plaza, located at Mooney and Sunnyside, is being bought by Sequoia Mall owner Homart Development. Homart had been waiting for the right time to purchase the center consisting of a theatre, a fitness center and multiple offices.

center had been given written notice in past weeks that a new buyer was going to take over and that their leases would be honored. Frantz's name was on the paper.

continued page 29



Aerial Photo
2022



0 100 200 400 Feet





MEMORANDUM

DATE: September 17, 2025

TO: Planning Commission

FROM: Colleen A. Moreno, Assistant Planner

SUBJECT: Item No. 8: Request for continuance from the September 22, 2025 Planning Commission Agenda

Conditional Use Permit No. 2025-21: A request by Verizon Wireless to construct a new 75-foot tall wireless monopine telecommunication tower within the C-MU (Mixed Use Commercial) zone.

Variance No. 2025-04: A request by Verizon Wireless to construct a new 75-foot tall wireless monopine telecommunication tower not meeting the fall zone setback of Section 17.32.163(D)(1)&(2).

Location: The project site is located at 3533 West Noble Avenue, within the Visalia Marketplace shopping center on the southeast corner of West Noble Avenue and South Demaree Street (APN: 095-010-068).

The Planning Division received an email correspondence on September 16, 2025, from the applicant requesting Planning Commission continue Item No. 8 (described above) to the October 27, 2025, Planning Commission meeting date.

The applicant is requesting the continuation to gather additional information and to further analyze the project to justify the requested location.

ATTACHMENTS

- Email from the Applicant, received September 16, 2025

Colleen Moreno

From: Armando Montes <armando.montes@sequoia-ds.com>
Sent: Wednesday, September 10, 2025 11:11 AM
To: Colleen Moreno
Subject: RE: Variance No. 2025-04 & Conditional Use Permit No. 2025-21 -- Verizon Monopine

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: PROJECTS

Hi Colleen,

Thank you for the update. Both of these candidates you are suggesting would still require variances to the fall zone setback. We haven't recontacted our "Baseball" candidate (COS) because their terms were very unrealistic, and a deal couldn't be made. I don't see how asking them again would make a difference and is not a realistic candidate. As for the Tulare Civic Center, we explained that this property would be too close to an existing facility at the golf course. Yes, while it would help to cover a portion of our target area, it would also be redundant in covering portions of the city that already have coverage from the golf course site. Ultimately it would be an unideal use of resources. Besides the Fall zone setback issues, which all candidates would endure, does the city find any other issues with our current proposal?

Armando Montes
Sequoia Deployment Services, Inc.
1 Spectrum Pointe Dr., Suite 130
Lake Forest, CA 92630
Mobile: (562) 309-5577

From: Colleen Moreno <Colleen.Moreno@visalia.city>
Sent: Tuesday, September 9, 2025 11:32 AM
To: Armando Montes <armando.montes@sequoia-ds.com>
Subject: RE: Variance No. 2025-04 & Conditional Use Permit No. 2025-21 -- Verizon Monopine

Hi Armando,

Apologies for the delay, I was catching up after my vacation. At this time, staff will be recommending denial of the monopine with alternatives. The reason being there has been no recent conversations with College of the Sequoias (COS) regarding utilizing their site as the most recent conversation was from 2023.

Additionally, you mentioned that the target area is south of highway 198 and Mooney, with COS being the target area, staff identified a more optimal location being the Tulare County Civic Center which is located directly north of COS and also closer than the requested site at the shopping plaza and no information was submitted demonstrating that Verizon reached out to the County and was denied.

If you have any other questions, please feel free to reach out.

Thank you,



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: September 22, 2025

PROJECT PLANNER: Colleen A. Moreno, Assistant Planner
Phone: (559) 713-4031
Email: colleen.moreno@visalia.city

SUBJECT: Tentative Parcel Map No. 2025-09: A request by Black Gold Builders Group to reconfigure the existing five parcels within the property layout of an undeveloped future shopping center in the C-MU (Mixed Use Commercial) zone.

Conditional Use Permit No. 2025-23: A request by Black Gold Builders Group to reconfigure the property layout creating parcels without street frontage and parcels that are less than the minimum five-acre requirement in the C-MU (Mixed Use Commercial) zone.

Location: The site is located at the east side of South Lovers Lane south of East Noble Avenue (APNs: 101-030-018, -030, -031, -032, -033).

STAFF RECOMMENDATION

Tentative Parcel Map No. 2025-09

Staff recommends approval of Tentative Parcel Map No. 2025-09, as conditioned, based upon the findings and conditions in Resolution No. 2025-45. Staff's recommendation is based on the project's consistency with the City's General Plan, Zoning, and Subdivision Ordinance.

Conditional Use Permit No. 2025-23

Staff recommends approval of Conditional Use Permit No. 2025-23, as conditioned, based upon the findings and conditions in Resolution No. 2025-44. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Tentative Parcel Map No. 2025-09 based on the findings and conditions in Resolution No. 2025-45.

I move to approve Conditional Use Permit No. 2025-23 based on the findings and conditions in Resolution No. 2025-44.

PROJECT DESCRIPTION

The applicant is requesting to reconfigure the property layout of five parcels within the Eastgate Plaza Shopping Center, resulting in five reconfigured parcels and one additional parcel (located at the southeast corner of the site) to facilitate future development on the site. This project is part of the Master Conditional Use Permit No. 2014-11 of the Eastgate Plaza shopping center which was approved by the Planning Commission on May 27, 2014 (see Related Projects). This is the second phase of the Eastgate Plaza shopping center which in total will consist of four phases. Phase 1, which is not a part of the parcel map reconfiguration and is labeled as Existing Parcels 1 and 6 on the tentative parcel map (Exhibit "B"), included the existing ARCO AM/PM gas station, fuel canopy, underground infrastructure, convenience store and stormwater basin. Per the

operational statement (Exhibit “A”), phase 2 is the current request to reconfigure the existing parcels and facilitate the construction of a 87,711 square foot commercial retail space, comprised of an anchor building, junior anchor space, retail shops, a single standalone quick service restaurant/retail shell building, and parking lot which will support the various commercial uses proposed by the Master CUP. At this time, only two tenants have been identified, a Ross Dress for Less clothing store and Vallarta supermarket occupying the junior anchor and anchor store spaces. The proposed parcel sizes for the Eastgate Plaza shopping center are as follows (Exhibit “B”):

- Parcel 1: 66,316 sq. ft. / 1.52 acres
- Parcel 2: 66,718 sq. ft. / 1.53 acres
- Parcel 3: 165,448 sq. ft. / 3.80 acres
- Parcel 4: 54,704 sq. ft. / 1.18 acres
- Parcel 5: 51,382 sq. ft. / 1.18 acres
- Parcel 6: 52,922 sq. ft. / 1.21 acres

The entire project area is zoned C-MU (Mixed Use Commercial) and per Visalia Municipal Code (VMC) 17.19.060, development standards for properties in the C-MU zone require a minimum site area of 5 acres. Due to each parcel within the shopping center being less than the required acreage and with parcels 1, 2, and 4 not having street frontage, a Conditional Use Permit (CUP) is required.

BACKGROUND INFORMATION

General Plan Land Use Designation	Mixed Use Commercial
Zoning	C-MU (Commercial Mixed Use)
Surrounding Zoning and Land Use	North: C-MU / Commercial businesses & gas stations South: R-1-5 (Single-Family Residential, 5,000 sq. ft. minimum suite area)/ Single-Family Residential homes East: R-1-5 (Single-Family Residential, 5,000 sq. ft. minimum suite area)/ Single-Family Residential homes West: C-MU (Mixed Use Commercial) / Commercial businesses
Environmental Review	Categorical Exemption No. 2025-33
Site Plan	SPR No. 2025-122

Related Projects

Master Conditional Use Permit No. 2014-11: A request by Chandi Group USA, Inc. to allow the phased development of a shopping center consisting of six commercial parcels to be developed in four phases with a total of approximately 106,400 square feet of building space, including a gasoline service station, fast food with drive-thru, four-story hotel, drug store with drive-thru, and

general retail space on 12 acres. This project was approved in 2014 by the Planning Commission.

The Master CUP is a vested entitlement to develop the site with the proposed uses over an indefinite timeframe. As such, the project includes a master development plan for the entire site, and thematic architectural renderings of the proposed buildings (Exhibit “E”).

Parcel Map No. 5133 (approved as Tentative Parcel Map No. 2014-03): A request by Chandi Group USA, Inc. to divide four lots totaling 12 acres into six commercial parcels. The project was approved in 2014 by the Planning Commission.

PROJECT EVALUATION

Staff recommends approval of Tentative Parcel Map No. 2025-09 and Conditional Use Permit No. 2025-23, as conditioned, based on the project’s consistency with the General Plan Land Use Element, Subdivision, and Zoning Ordinance.

General Plan Consistency

The project site is located within the Commercial Mixed Use zone and per the General Plan, Mixed Use Designations provide multiple uses and can help reduce auto dependence and promote revitalization and economic development (General Plan, pg. 2-50). The reconfigurations of the parcels will not change the zone of Mixed Use Commercial but will allow flexibility in the potential of future development and supports the General Plan Objective of *“facilitate development of new, well-planned commercial areas to meet the needs of residents of Visalia and its market area”* (Visalia General Plan Policy LU-O-26, pg. 2-50).

Planned Development Requirement

The minimum site area for the properties in the C-MU zone is five (5) acres (VMC 17.18.070.A), however, the Planning Commission may consider lot sizes smaller than the minimum site area if “there are unique circumstances (shape, natural features, location, etc.) which would deprive the landowner of development consistent with the zone”.

Additionally, the creation of a parcel without direct access onto a public street frontage also requires a Planned Commercial Development permit, which is reviewed and approved through the conditional use permit process. The Eastgate Plaza shopping center will be developed in a manner that will provide internal shared vehicular cross-access, shared parking, commercial parcels that are less than the minimum acreage and with parcels that do not have street frontage which is typical of large master planned shopping centers. Other large shopping centers that were subdivided with this similar request include Mary’s Vineyard, Orchard Walk, Key West, and the Sequoia Mall.

Master Conditional Use Permit No. 2014-11

Future development and buildout of the Eastgate Plaza shopping center must comply with the requirements of the Master CUP (Exhibit “E”) for the site. Per the operational statement (Exhibit “A”) the applicant is seeking additional commercial uses; however, these uses have yet to be reviewed by the City through the Site Plan Review (SPR) process to determine if any additional entitlements and/or development requirements may be required for the proposed uses. The applicant is required to submit all development plans for the shopping center to Site Plan Review which is listed as Condition #3 for both the Tentative Parcel Map (TPM) and the Conditional Use Permit (CUP) prior to building permit submittal.

The original Master CUP layout proposed a drive-thru drug store that is now, no longer part of the project, however the uses proposed are similar in use and therefore, in compliance with the original CUP, additionally, the new layout provides more parking space for the larger anchor and junior anchor buildings (Exhibit C & D). Furthermore, the orientation of the quick-serve restaurant drive-thru and retail spaces has been rotated with primary frontage being on the east as opposed to the south. Additionally, the project is adding an additional parcel to the site, located at the southeast corner. Per the Master CUP, that parcel was not included at that time due to that parcel having an existing single-family residence. That parcel has since been purchased and is currently vacant and will now be part of the project site with the future development to be determined. Per the operational statement (Exhibit A) a 120-room hotel, which was part of the Master CUP, is still proposed and is projected to be part of Phase 4 of the overall shopping center project.

Site Area / Access / Circulation & Utilities

The tentative parcel map shown in Exhibit “B” is subject to approval of the associated conditional use permit due to the proposed parcel sizes and parcels that do not have street frontage. Staff is recommending Condition No. 4 be adopted for both the Tentative Parcel Map and Conditional Use Permit requiring the property owner to record a shared cross access, utilities, and maintenance agreement between all parcels. The recorded agreement shall address the property owners’ maintenance and responsibility for repair and maintenance of all shared common use areas, and that the easement area shall be kept free and clear of any structures.

Subdivision Map Act Findings

California Government Code Section 66474 lists seven findings for which a legislative body of a city or county shall deny approval of a tentative map if it is able to make any of these findings. These seven “negative” findings have come to light through a recent California Court of Appeal decision (*Spring Valley Association v. City of Victorville*) that has clarified the scope of findings that a city or county must make when approving a tentative map under the California Subdivision Map Act.

Staff has reviewed the seven findings for a cause of denial and finds that none of the findings can be made for the proposed project. The seven findings and staff’s analysis are below. Recommended findings in response to this Government Code section are included in the recommended findings for the approval of the tentative parcel map.

<u>GC Section 66474 Finding</u>	<u>Analysis</u>
(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.	The proposed map has been found to be consistent with the City’s General Plan. This is included as recommended Finding No. 1 of the Tentative Parcel Map.
(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.	The proposed design and improvement of the map has been found to be consistent with the City’s General Plan and Planned Commercial Development. This is included as recommended Finding No. 1 of the Tentative Parcel Map.
(c) That the site is not physically suitable for the type of development.	The site is physically suitable for the proposed map and its affiliated development plan, which is designated as Mixed-Use Commercial land use. This is included as recommended Finding No. 3 of the Tentative Parcel Map.
(d) That the site is not physically suitable for the	The site is physically suitable for the proposed

proposed density of development.	density of development in the Mixed-Use Commercial land use designation and zone, which does not specify densities of development. This is included as recommended Finding No. 4 of the Tentative Parcel Map.
(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.	The proposed design and improvement of the map has not been found likely to cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat. This finding is further supported by the project's determination of no new effects under the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), included as recommended Finding No. 6 of the Tentative Parcel Map.
(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.	The proposed design of the map has been found to not cause serious public health problems. This is included as recommended Finding No. 2 of the Tentative Parcel Map.
(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.	The proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property. This is included as recommended Finding No. 5 of the Tentative Parcel Map.

Environmental Review

The project is considered to be Categorically Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), for minor divisions to land and in-fill development projects, Categorical Exemption No. 2025-33. Section 15315 describes Class 15 which consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. The proposed request entails the reconfiguration of five parcels but results in an overall increase of one parcel, and is therefore consistent with the Class 15 Categorical Exemption.

RECOMMENDED FINDINGS

Tentative Parcel Map No. 2025-09

1. That the proposed location and layout of the tentative parcel map, its improvement and design, and the conditions under which it will be maintained are consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed tentative parcel map, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The project site is bordered by existing commercial development and the proposed development of this site is consistent with the General Plan and Zoning Ordinance.

3. That the site is physically suitable for the proposed tentative parcel map and is compatible with adjacent land uses and the proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property.
4. That the site is physically suitable for the proposed tentative parcel map and the project's use, which is consistent with the underlying Mixed Use Commercial land use designation and zone, which does not specify densities of development.
5. That the proposed tentative parcel map, design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
6. That the project is considered Categorically Exempt under Sections 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Categorical Exemption No. 2025-33. Furthermore, the design of the subdivision or the proposed improvements is not likely to either cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Conditional Use Permit No. 2025-23

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements within the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
3. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. The site is bordered by similar commercial uses.
4. The project is considered Categorically Exempt under Sections 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Categorical Exemption No. 2025-33.

RECOMMENDED CONDITIONS OF APPROVAL

Tentative Parcel Map No. 2025-09

1. That the tentative parcel map shall be developed consistent with the comments and conditions of the Site Plan Review No. 2025-122, incorporated herein by reference.
2. That the tentative parcel map be in substantial compliance with Exhibit "B".
3. That all proposed development be submitted to the City of Visalia's Site Plan Review prior to building permit submittal.
4. That an agreement addressing vehicular access, utilities, and any other pertinent infrastructure or services shall be recorded with the final parcel map associated with Tentative Parcel Map No. 2025-09. The agreement shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures excepting solid waste enclosures. The City Planner and/or City Engineer shall review for approval this agreement verifying compliance with these requirements prior to recordation. The agreement shall be recorded prior to the issuance of any building permits on the master planned site.
5. That all other federal, state and city laws, codes and ordinances be complied with.

Conditional Use Permit No. 2025-23

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2025-122.
2. That the planned commercial development and its parcel configuration be in substantial compliance with Exhibit "B".
3. That the development of the newly created parcels be consistent with the General Plan and Zoning Ordinance.
4. That all proposed development be submitted to the City of Visalia's Site Plan Review prior to building permit submittal.
5. That an agreement addressing vehicular access, utilities, and any other pertinent infrastructure or services shall be recorded with the final parcel map associated with Tentative Parcel Map No. 2025-09. The agreement shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures excepting solid waste enclosures. The City Planner and/or City Engineer shall review for approval this agreement verifying compliance with these requirements prior to recordation. The agreement shall be recorded prior to the issuance of any building permits on the master planned site.
6. That all other federal, state, and city codes, ordinances and laws be met.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe Street, Visalia, CA. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

Attachments:

- Related Plans and Policies
- Resolution No. 2025-45 – Tentative Parcel Map No. 2025-09
- Resolution No. 2025-44 – Conditional Use Permit No. 2025-23
- Exhibit "A" – Operational Statement
- Exhibit "B" – Tentative Parcel Map
- Exhibit "C" – Proposed Site Plan for future development
- Exhibit "D" – Site Plan from Master Conditional Use Permit No. 2014-11
- Exhibit "E" – Staff Report for Master Conditional Use Permit No. 2014-11
- Site Plan Review Comments No. 2025-122
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- Vicinity Map

NOTICE OF EXEMPTION

City of Visalia
315 E. Acequia Ave.
Visalia, CA 93291

To: County Clerk
County of Tulare
County Civic Center
Visalia, CA 93291-4593

Tentative Parcel Map No. 2025-09 and Conditional Use Permit No. 2025-23

PROJECT TITLE

The site is located at the NE corner of E. Noble Ave & S. Lovers Lane (APNs: 101-030-018, -030-, -031, -032, -033)

PROJECT LOCATION

Visalia

PROJECT LOCATION - CITY

Tulare

COUNTY

A request by Black Gold Builders to reconfigure the property layout of five parcels.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia

NAME OF PUBLIC AGENCY APPROVING PROJECT

Black Gold Builders Group, Mark Chappell, 42270 Spectrum St., Indio CA 92203

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Same as above

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- ☐ Ministerial - Section 15073
☐ Emergency Project - Section 15071
☒ Categorical Exemption - State type and Section number: **Section 15315**
☐ Statutory Exemptions- State code number:

The project involves the subdivision of land into four or fewer parcels.

REASON FOR PROJECT EXEMPTION

Colleen A. Moreno, Assistant Planner

CONTACT PERSON

(559) 713-4031

AREA CODE/PHONE

August 25, 2025

DATE

Brandon Smith, AICP
Environmental Coordinator

RELATED PLANS AND POLICIES

Visalia Municipal Code Title 16 Subdivisions

Chapter 16.04 General Provisions

16.04.010 Authority for local regulations.

This title is enacted pursuant to the provisions of Division 2 of Title 7 of the Government Code of the State of California, referred to herein as the Subdivision Map Act. (Ord. 2017-01 (part), 2017: prior code § 9000)

16.04.020 Purpose and scope.

A. The subdivision ordinance is adopted to preserve, protect and promote the public health, safety, and general welfare. More specifically, the subdivision ordinance is adopted in order to achieve the following objectives:

1. To aid in the implementation of the general plan of the city, and elements thereof, as adopted by the City Council;
2. To provide lots of sufficient size and appropriate design for the purposes for which they are to be used;
3. To provide streets of adequate capacity for the anticipated traffic that would utilize them and to ensure that they are designed to promote a safe vehicular and pedestrian traffic circulation system;
4. To accommodate new development in a manner that will preserve and enhance the city's living environment and create new beauty through skilled subdivision design;
5. To provide for water supply, sewage disposal, storm drainage, solid waste collection and other utilities and facilities that are required by conditions of an urban environment;
6. To ensure that the costs of providing rights-of-way, street improvements, utilities and public areas and facilities needed to service new developments are borne fairly and equitably by the subdivider rather than by property owners of the city at large.

B. The subdivision ordinance is enacted for the purpose of regulating subdivision of land in accordance with the Subdivision Map Act of the state of California and any future amendments thereto and repeals all other regulations of the city in conflict with this title; provided, however, that such repeal shall not affect any agreement, contract, or bond executed pursuant to such regulations or any rights of action accruing thereunder. The regulations hereinafter in this title contained shall apply to all subdivisions and parcel maps or parts of subdivisions and parcel maps hereafter made entirely or partially within the city. The provisions of this title shall be in addition to and shall be considered as supplemental to the provisions of the Subdivision Map Act of the state of California, as now in effect or hereinafter amended. (Ord. 2017-01 (part), 2017: prior code § 9005)

16.04.030 Responsibilities.

A. City Attorney. The city attorney shall be responsible for approving as to form all subdivision improvement agreements and subdivision improvements securities.

B. City Council. The City Council shall have final jurisdiction in the approval of final maps if the acceptance of land and improvements is proposed for dedication to the city.

C. City Engineer. The city engineer or his/her designee shall be responsible for:

1. Establishing design and construction details, standards and specifications;

2. Determining if proposed subdivision improvements comply with the provisions of this title and the Subdivision Map Act and for reporting the findings together with any recommendations for approval, or conditional approval, of the tentative map to the city planner;

3. The processing and checking of final maps, parcel maps, reversion to acreage maps, amended maps, subdivision improvement plans, lot line adjustment maps, mergers and certificates of compliance;

4. The inspection and approval of subdivision improvements;

5. The approval of private improvements (improvements not to be maintained by the city).

D. Planning Commission. The Planning Commission is the designated official body charged with the duty of conducting public hearings, making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, and shall approve, conditionally approve or disapprove maps.

E. City Planner. The city planner shall be responsible for:

1. Investigating proposed subdivisions and parcel maps for conformity to the general plan, specific plans, and zoning ordinances of the city and reporting his finding together with recommendations for approval, conditional approval, or disapproval to the Planning Commission;

2. Examining and certifying that final maps are in substantial conformance to the approved or conditionally approved tentative map.

F. Site Plan Review Committee. The Site Plan Review Committee shall be responsible for the review of tentative parcel maps, tentative subdivision maps, vesting tentative subdivision maps, and vesting tentative parcel maps and shall provide the subdivider and the Planning Commission with the committee's comments, and requirements for conformance to city ordinances and policies.

G. Subdivider. The subdivider shall prepare maps consistent with the standards contained herein, design public improvements consistent with the public improvement standards of the city, and shall process said maps in accordance with the regulations set forth herein. (Ord. 2017-01 (part), 2017: Ord. 9605 § 32 (part), 1996: prior code § 9010)

16.04.040 Appeals.

A. The subdivider or any interested person adversely affected may, upon payment of an appeal fee as may be established by resolution of the City Council, appeal any decision, determination, or requirement of the Planning Commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action that is the subject of the appeal. Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the Planning Commission.

B. Upon the filing of an appeal, the City Council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of council member request. City clerk shall give notice of the hearing according to the procedure required for the initial action by the Planning Commission, except that the timing of such notice shall be no less than ten (10) days before the hearing date.

C. In holding the hearing on the matter, the council may receive any and all information pertinent to the matter, regardless of whether such information was first presented to the Planning Commission. In the case of decisions by the Planning Commission that followed a public hearing, the City Council shall hold a new public hearing on the matter.

D. Upon the close of the hearing, the Council shall vote to either confirm the decision of the Planning Commission, overturn the decision, or confirm the decision with modifications, and the Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next scheduled Council meeting. In the case of tentative maps, the Council may also take any action

identified in Section 16.16.120. Planning Commission. (Ord. 2017-01 (part), 2017: Ord. 2010-02 § 1, 2010: Ord. 2006-18 § 2 (part), 2007: prior code § 9015)

16.04.050 Exceptions.

A. Petition. The Planning Commission may authorize conditional exceptions to any of the requirements and regulations set forth in this title. Application for any such exception shall be made by a petition of the subdivider stating fully the ground of the application and the facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision and shall be on a form provided by the city. The application shall be accompanied by a fee as set forth from time to time by resolution of the City Council.

B. Findings.

1. In order for the property referred to in the petition to come within the provision of this section, it shall be necessary that the Planning Commission make the following findings:

- a. That there are special circumstances and conditions affecting this property;
- b. That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- c. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

2. In approving such exceptions the Planning Commission shall secure substantially the objectives of the regulations to which exceptions are requested, and shall act to protect the public health, safety, convenience and general welfare.

3. In approving any exception under the provisions of this section, the Planning Commission shall report its findings with respect thereto and all facts in connection therewith, and shall specifically and fully set forth the exception recommended and conditions designated. (Ord. 2017-01 (part), 2017: prior code § 9020)

16.04.060 Merger and reversion to acreage.

Subdivided real property may be merged or reverted to acreage pursuant to provisions of Chapter 6, Article 1 of the state Subdivision Map Act. (Ord. 2017-01 (part), 2017: prior code § 9315)

16.04.070 Certificates of compliance.

Any eligible person may apply for a certificate of compliance pursuant to the provisions of Section 66499.34 of the Government Code of the state of California. (Ord. 2017-01 (part), 2017: prior code § 9320)

16.04.080 Planned unit developments.

Where, in accordance with provisions of the zoning ordinance, a use permit has been granted authorizing a planned unit development on the land or a portion of the land proposed to be subdivided, the plan of the subdivision shall conform with the plan of the planned unit development as approved by the Planning Commission and City Council. Exceptions to the subdivision regulations that are necessary to execute the planned unit development as approved by the Planning Commission and City Council may be authorized by the Planning Commission in accordance with the provisions of Section 16.04.050. (Ord. 2017-01 (part), 2017: prior code § 9325)

16.04.085 School site dedications and reservations.

A. In considering the approval or the conditions of approval of a parcel map or subdivision map, as those terms are defined in the Subdivision Map Act, the City Council or the Planning Commission may require the reservation or dedication of school sites in a manner that is consistent with the provisions of Government Code sections 66478 and 66479, provided that the council or the commission, as the case may be, is able to determine that the conditions

enumerated in those sections, as they may from time to time be amended, are applicable to the proposed subdivision map or parcel map.

B. The planning director, in cooperation with the official designated by the Visalia Unified School District, shall develop and keep in place a policy establishing the manner in which this section shall be implemented by the City Planner and his or her designees. Such policy shall be established at the discretion of the City Planner, provided the policy is consistent with the Government Code sections 66478 and 66479. (Ord. 2017-01 (part), 2017: Ord. 2006-01 § 5, 2006)

16.04.090 Penalties.

Any person, firm, corporation, partnership, or co-partnership who willfully violates any of the provisions or fails to comply with any of the mandatory requirements of this title is guilty of a misdemeanor, pursuant to the provisions of Chapter 7, Article 1 of the Subdivision Map Act. (Ord. 2017-01 (part), 2017: prior code § 9030)

16.04.100 Ordinances repealed.

All ordinances and parts of ordinances of the city, in conflict herewith to the extent of such conflict and not further, are hereby repealed. (Ord. 2017-01 (part), 2017: prior code § 9035)
16.04.110

16.04.110 Severability.

If any section, subsection, sentence, clause or phrase of this title is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this title. The City Council declares that it would have passed this title in each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional. (Ord. 2017-01 (part), 2017: prior code § 9025)

Visalia Municipal Code Title 17 Zoning

Chapter 17.26 Planned Development

17.26.010 Purpose and intent.

The purpose and intent of the Planned Development regulations contained in this chapter is to provide for land development consisting of a related group of residential housing types or commercial uses, including but not limited to, attached or detached single-family housing, cluster housing, patio homes, town houses, apartments, condominiums or cooperatives or any combination thereof and including related open spaces and community services consisting of recreational, commercial and offices, infrastructure, maintenance and operational facilities essential to the development, all comprehensively planned. Such land development normally requires deviation from the normal zoning regulations and standards regarding lot size, yard requirements, bulk and structural coverage in an effort to maximize the benefits accruing to the citizens of Visalia. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7410)

17.26.020 Definitions.

For the purposes of this chapter the following definitions shall apply:

"Density bonus" means dwelling unit increases based on project amenities provided as part of a planned development.

"Dwelling unit" means one or more habitable rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette. Dwelling unit can include various types including, but not limited to, attached or detached single-family homes, cluster homes, patio homes, town houses, condominiums, apartments, or cooperatives.

"Environment, natural" means the physical condition of a proposed PD site prior to proposed development; including, but not limited to, natural features such as waterways, vegetation, topographical features, and animal life.

"Homeowner's association" means an incorporated entity formed under applicable laws and including all properties within a planned development. Such association normally maintains and administers the common open space associated with a planned development.

"Lot or parcel net area" means the land area contained within the boundary of a lot or parcel. Land within public or private streets or property held in common for a particular development amenity is not considered as "net lot area."

"Maintenance district" means an assessment district formed under applicable laws that pays for maintaining dedicated or private open space facilities.

"Neighborhood commercial center" means a convenience shopping complex providing services within a neighborhood and meeting applicable ordinance and general plan requirements.

"Open space" means the area within a planned development not occupied with structures, driveways or parking and storage areas.

"Open space, common" means the area within a planned development under the control and ownership of a homeowner's association. Common open space may include recreation facilities, access and parking, paths, and storage areas.

"Open space, usable" means the area within a planned development that is deemed suitable for use by the residents of the PD; not including parking areas, private patios, required building separations, parking and access, or storage areas.

"Parking, guest" means designated off-street parking areas within a planned development reserved for guest or visitor parking.

"Parking, required" means off-street parking areas within a planned development to be used for long-term storage of resident vehicles, recreational vehicles, boats and trailers.

"Planned development" means a development that includes a mix of land uses and that requires a deviation from normal zoning standards regarding lot size, yard requirements, bulk and structural coverage and is subject to provisions of this chapter.

"Planned residential development" means a planned development consisting of residential uses only and subject to the provisions of this chapter.

"Planned unit development" means a planned development including two, or more, of the following uses: residential, commercial, professional office, quasi-public, and industrial.

"Recreation facility" means an area within a planned development that includes recreational installations for common use. Such installations normally include such things as a swimming pool, recreation building, patio areas, tot lots, and exercise areas.

"Site area, gross" means the total horizontal area included within the property lines of a proposed planned development after dedication of required right-of-way and open space areas. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7411)

17.26.030 Location.

A planned development may be located in residential, commercial or industrial zone upon approval of necessary permits required under this chapter. Planned residential developments and planned unit developments may be located only in appropriate zones as follows:

1. A planned residential development may be allowed in any residential zone.
2. A planned unit development with commercial/industrial uses may be located where those uses are allowed in the underlying zone. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7412)

17.26.040 Development standards.

The following is a list of development standards considered to be necessary to achieve the purpose and intent of this chapter:

A. Site Area.

1. The minimum site area for a planned residential development shall be one acre of gross site area.
2. The minimum site area for a planned unit development with residential uses shall be ten acres.
3. The minimum site area for a planned unit development without residential uses shall be five acres.
4. The minimum site area for a planned unit development with only industrial uses shall be twenty (20) acres.
5. Parcels smaller than the minimums stated above may be considered if the planning commission finds there are unique circumstances (shape, natural features, location, etc.) that would deprive the land owner of development potential consistent with other properties classified in the same underlying zone.

B. Density. The average number of dwelling units per net area shall not exceed the maximum density prescribed by the site area regulations or the site area per dwelling in which the planned unit development is located, subject to a density bonus that may be granted by the city council upon recommendation by the planning commission. A density bonus may be granted as part of a planned development based on the following guidelines:

Percent of Net Site in Usable Open Space	Area Percent of Density Bonus
6% to 10%	6%
11% to 20%	10%
21% to 25%	16%
Over 25%	20%

C. Usable Open Space. Usable open space shall be provided for all planned developments that include residential uses, except as provided in this section. Such open space shall include a minimum of five percent of the net site area of the residential portion of a planned development. The requirement for mandatory usable open space may be waived in developments wherein the net lot area of each lot meets or exceeds minimum standard in the underlying zone classification.

D. Site Design Criteria.

1. Location of proposed uses and their relationship to each other with a planned development shall be consistent with general plan policies and ordinance requirements.
2. The natural environment of a site is to be considered as part of the design criteria. Such features as natural ponding areas, waterways, natural habitats, and mature vegetation are to be considered.
3. If a planned development is located adjacent to a major arterial street, or other existing possible land use conflict, adequate buffering shall be included in the plan.

E. Landscaping and Structural Coverage. Landscaping provided within a planned development shall conform to the general standards imposed by the underlying zone. Additional landscaping may be required as part of a planned development due to unusual circumstances.

F. Circulation.

1. Vehicle circulation shall be based on a street pattern as outlined within the circulation element of the general plan. Use of private streets and variations to normal city street standards are encouraged.
2. There shall be no direct vehicle access from individual lots onto major arterial streets.
3. Pedestrian access and bicycle paths should be incorporated within planned developments. Such paths and bikeways to be separated from vehicle streets when possible.

G. Parking.

1. Required parking shall conform with the existing parking standards required under the zoning ordinance.
2. Guest parking and storage parking shall be encouraged and may be required in planned development.
3. All parking shall be screened from adjacent public right-of-way. Such screening may include dense plantings, fences, landscaped berms, or grade separation.
4. Parking clusters shall be provided rather than large (single) parking areas.

H. Trash Enclosures.

1. Trash enclosures shall be provided as specified by the city solid waste department.
2. Such enclosures shall be screened from view from adjacent structures and roadways and be provided with solid gates. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7413)

17.26.050 Application procedures.

The following procedures specify the process for review of a planned development.

A. Pre-Application Review. Pre-application review shall be a two-step process including a mandatory meeting with the planning department and submittal of a concept plan to the site plan review committee. Such pre-application review shall include, but is not limited to, the following elements:

1. Site area and location;
2. Land use relationships within and outside the proposed site;
3. Circulation and access;
4. Environmental features;
5. Open space and project amenities;
6. Available and needed public improvements and facilities.

B. Application Process. After completing the pre-application review process the owner, or agent, shall file an application for a planned development. Such application submittal shall be processed as a conditional use permit and shall require a site plan review permit. The city planner shall determine the extent of development detail required as part of the application submittal. Such details may include, but is not limited to, the following:

1. Legal description and boundary survey map of the exterior boundaries of land to be developed;
2. A topographic map indicating anticipated grading or fill areas, groupings of existing trees, and other natural features;
3. For residential development:
 - a. The number and type of dwelling units. This may be stated as a range of maximum and minimum number of units by type,
 - b. The approximate total population anticipated in the entire development,
 - c. The proposed standards of height, open space, structural coverage, pedestrian and traffic circulation, and density within use areas;
4. For nonresidential uses:
 - a. Types of uses proposed within the entire area,
 - b. Anticipated employment base which may be stated as a range,
 - c. Methods proposed to control possible land use conflicts and environmental impacts,
 - d. The proposed structure heights, open space buffering, circulation, and parking/loading,
 - e. Pertinent social or economic characteristics of the development such as school enrollment, residence, employment, etc.;
5. A preliminary utilities report;
6. The location, area, and type of sites proposed for open space, recreational facilities, and public facilities;
7. The anticipated timing for each phase, if any, of the development. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: Ord. 9605 § 30 (part), 1996: prior code § 7414)

17.26.060 Exceptions.

Exceptions to the design criteria specified in Section 17.26.040 may be modified by the city council upon recommendation by the planning commission based on unique circumstances. Such exceptions shall be reviewed by the site plan committee for comment prior to planning commission recommendation. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7415)

17.26.070 Amendments.

Minor amendments to an approved planned development may be granted by the planning commission upon recommendation of the site plan committee. Major amendments shall be processed as an amendment to a conditional use permit with required public hearings. Major amendments include, but are not limited to, the following:

- A. Changes in residential density;
- B. Changes in land use relationships;
- C. Changes in the location and/or scope of open space;
- D. Changes in circulation patterns;
- E. Other changes as determined by the planning commission upon request. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7416)

17.26.080 Timing.

Once granted, a planned development approval shall be valid for a period of two years. Extensions may be granted by the planning commission for one year periods, not to exceed three such extensions. (Ord. 2017-01 (part), 2017: Ord. 9718 § 2 (part), 1997: prior code § 7417)

RESOLUTION NO. 2025-45

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE PARCEL MAP NO. 2025-09, A REQUEST BY BLACK GOLD BUILDERS GROUP TO RECONFIGURE THE EXISTING FIVE PARCELS WITHIN THE PROPERTY LAYOUT OF AN UNDEVELOPED FUTURE SHOPPING CENTER IN THE C-MU (MIXED USE COMMERCIAL) ZONE. THE SITE IS LOCATED AT THE NORTHEAST CORNER OF EAST NOBLE AVENUE AND SOUTH LOVERS LANE (APN: 101-030-018, -030, -031, -032, -033)

WHEREAS, Tentative Parcel Map No. 2025-09, is a request by Black Gold Builders Group to reconfigure the existing five parcels within the property layout of an undeveloped future shopping center in the C-MU (Mixed Use Commercial) zone. The site is located at the northeast corner of East Noble Avenue and South Lovers Lane (APN: 101-030-018, -030, -031-, -032, -033); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said commission on September 22, 2025; and

WHEREAS, the Planning Commission of the City of Visalia finds Tentative Parcel Map No. 2025-09, as conditioned, in accordance with Section 16.28.070 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and,

WHEREAS, the project is considered Categorically Exempt under Section 15315 and of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Categorical Exemption No. 2025-33.

NOW, THEREFORE, BE IT RESOLVED, that Categorical Exemption No. 2025-33 was prepared finding the project exempt under CEQA Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia makes the following specific finding based on the evidence presented:

1. That the proposed location and layout of the tentative parcel map, its improvement and design, and the conditions under which it will be maintained are consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed tentative parcel map, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The project site is bordered by existing commercial development and the proposed development of this site is consistent with the General Plan and Zoning Ordinance.

3. That the site is physically suitable for the proposed tentative parcel map and is compatible with adjacent land uses and the proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property.
4. That the site is physically suitable for the proposed tentative parcel map and the project's use, which is consistent with the underlying Mixed Use Commercial land use designation and zone, which does not specify densities of development.
5. That the proposed tentative parcel map, design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
6. That the project is considered Categorically Exempt under Sections 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Categorical Exemption No. 2025-33. Furthermore, the design of the subdivision or the proposed improvements is not likely to either cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

BE IT FURTHER RESOLVED that the Planning Commission hereby approved the parcel map on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.26 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the tentative parcel map shall be developed consistent with the comments and conditions of the Site Plan Review No. 2025-122, incorporated herein by reference.
2. That the tentative parcel map be in substantial compliance with Exhibit "B".
3. That all proposed development be submitted to the City of Visalia's Site Plan Review prior to building permit submittal.
4. That an agreement addressing vehicular access, utilities, and any other pertinent infrastructure or services shall be recorded with the final parcel map associated with Tentative Parcel Map No. 2025-09. The agreement shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures excepting solid waste enclosures. The City Planner and/or City Engineer shall review for approval this agreement verifying compliance with these requirements prior to recordation. The agreement shall be recorded prior to the issuance of any building permits on the master planned site.
5. That all other federal, state and city laws, codes and ordinances be complied with.

RESOLUTION NO. 2025-44

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2025-23, A REQUEST BY BLACK GOLD BUILDERS GROUP TO RECONFIGURE THE PROPERTY LAYOUT CREATING PARCELS WITHOUT STREET FRONTAGE AND PARCELS THAT ARE LESS THAN THE MINIMUM FIVE (5) ACRE REQUIREMENT IN THE C-MU (MIXED USE COMMERCIAL) ZONE. THE SITE IS LOCATED AT THE NORTHEAST CORNER OF EAST NOBLE AVENUE AND SOUTH LOVERS LANE (APN: 101-030-018, -030, -031, -032, -033)

WHEREAS, Conditional Use Permit No. 2025-23, is a request by Black Gold Builders Group to reconfigure the property layout creating parcels without street frontage and parcels that are less than the minimum five (5) acre requirement in the C-MU (Mixed Use Commercial) zone. The site is located at the northeast corner of East Noble Avenue and South Lovers Lane (APN: 101-030-018, -030, -031, -032, -033); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said commission on September 22, 2025; and

WHEREAS, the Planning Commission of the City of Visalia finds Conditional Use Permit No. 2025-23, as conditioned, in accordance with Section 16.28.070 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and,

WHEREAS, the project is considered Categorically Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Categorical Exemption No. 2025-33.

NOW, THEREFORE, BE IT RESOLVED, that Categorical Exemption No. 2025-33 was prepared finding the project exempt under CEQA Section 15315 and of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia makes the following specific finding based on the evidence presented:

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements within the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
3. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. The site is bordered by similar commercial uses.

4. The project is considered Categorical Exempt under Sections 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Categorical Exemption No. 2025-33.

BE IT FURTHER RESOLVED that the Planning Commission hereby approved the parcel map on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.26 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2025-122.
2. That the planned commercial development and its parcel configuration be in substantial compliance with Exhibit "B".
3. That the development of the newly created parcels be consistent with the General Plan and Zoning Ordinance.
4. That all proposed development be submitted to the City of Visalia's Site Plan Review prior to building permit submittal.
5. That an agreement addressing vehicular access, utilities, and any other pertinent infrastructure or services shall be recorded with the final parcel map associated with Tentative Parcel Map No. 2025-09. The agreement shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures excepting solid waste enclosures. The City Planner and/or City Engineer shall review for approval this agreement verifying compliance with these requirements prior to recordation. The agreement shall be recorded prior to the issuance of any building permits on the master planned site.
6. That all other federal, state, and city codes, ordinances and laws be met.



OPERATIONAL STATEMENT: EASTGATE PLAZA – PHASE 2 – PARCEL REALIGNMENT

APN's: 101-030-018, 101-030-030, 101-030-031, 101-030-032, AND 101-030-033

The Eastgate Plaza Shopping Center Phase 1 included an ARCO AMPM fuel service station and convenience store, 10MPD fuel canopy, surface and underground appurtenant infrastructure, and a stormwater basin. Phase 2 construction includes 87,711 square feet of commercial retail space distributed among three conjoined shell buildings and a single standalone Quick service restaurant / retail shell building. This phase also includes appurtenant surface and subsurface infrastructure associated with these shell buildings. At this time, two of the larger structures identified as junior anchor and anchor space have designated tenants. These are a Ross Dress for less clothing / retail store in the 22,000 sf junior anchor space and a Vallarta supermarket in the 52,957 sf anchor building south adjacent. The remaining south adjacent 7,510 sf retail shops building is currently under construction as a shell building with spaces available for five retail shops. The 5,244 sf Quick service restaurant/ retail shell building is also currently under construction with four spaces available for single quick service restaurant and three additional retail spaces within the same structure. Each of the four buildings under construction also have triple bay trash enclosures associated with them as per City of Visalia solid waste management requirements. Finally, this phase of construction includes buildable pad preparation and underground infrastructure stub-outs for two additional buildable pads. Future phases of construction are anticipated to include an automated tunnel type carwash near the southeast corner of the property on the recently constructed buildable pad and a 120-room hotel to be located near the northernmost portion of the project also on a recently constructed buildable pad. It is assumed that these future structures and associated appurtenant surface and below ground infrastructure construction will come as separate phases with the car wash proceeding first as phase 3 and the hotel project as phase 4.

The Arco AMPM fuel service , Convenience store is currently open twenty-four hours a day, seven days a week. The Vallarta Market will operate between the hours of 7:00 am and 10:00 pm, seven days a week. The Ross Dress for Less retail store will operate between the hours of 8:00 am to 10:00 pm, seven days a week. A future automated tunnel type car wash can reasonably be expected to operate between the hours of 7:00 am and 9:00 pm, seven days a week. A future 120-room hotel would operate twenty-four hours a day with typical check-in / check-out times at 3:00 pm and 10:00 am respectively. Due to the close proximity of existing residential units loading and unloading hours will be restricted and accordance with the City requirements for the three retail buildings at the rear of the center.

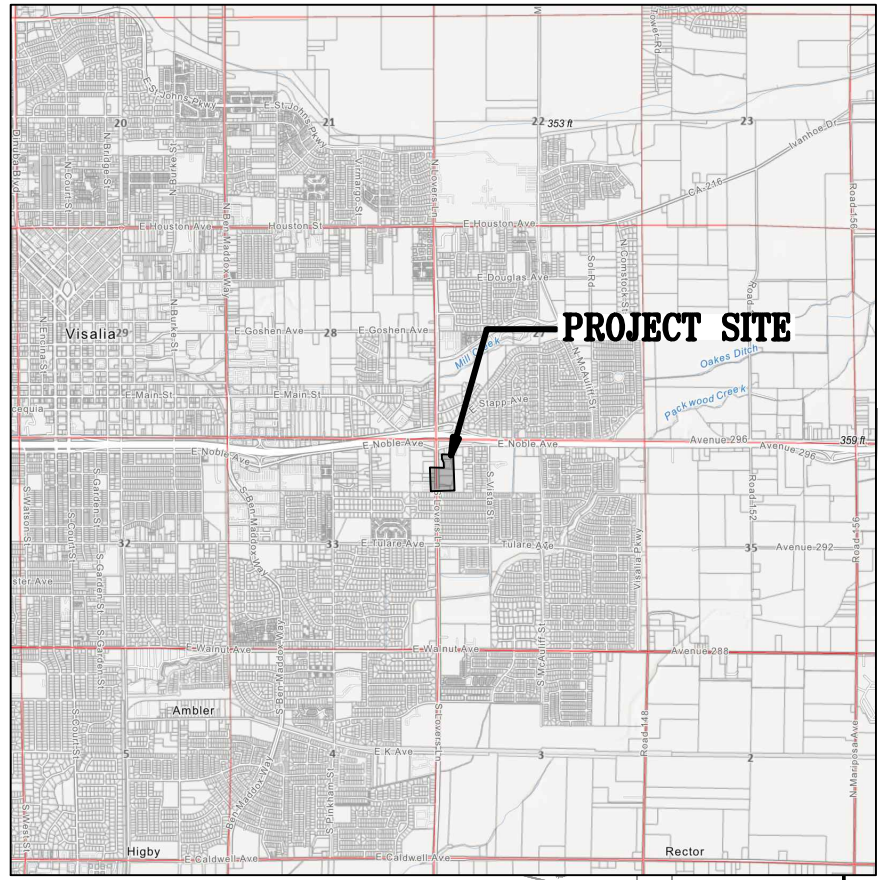


A set of CC&R's have been recorded for the project with the original parcels taking on common area and drainage infrastructure maintenance. The adjacent aliquot parcel designated by Assessor's Parcel Number 101-030-018 has subsequently been purchased and annexed into these CC&R's. These CC&R's will be amended to ensure blanket reciprocal access in favor of all the parcel owners across the portions of the site designed for vehicular access. This amendment will be recorded concurrently with the recordation of the revised parcel map.

As currently designed and constructed, the drive-through for the QSR/retail building allows stacking for ten cars. Approved landscape plans include dense 3-ft sage bush hedge and a combination of Chinese Pistache and Evergreen Pear trees along the Lovers Lane project frontage providing an aesthetically pleasing appearance. In addition to the landscape improvements, a 7-ft concrete wall is also designed/constructed along the East and South property limits to mitigate for any noise impacts to adjacent residences.



VICINITY MAP
NOT TO SCALE



LEGAL DESCRIPTION:

PARCELS 2 THROUGH 5 OF PARCEL MAP 5133 AS RECORDED IN BOOK 52 OF PARCEL MAPS AT PAGE 40 IN THE COUNTY OF TULARE OFFICIAL RECORDS ON JUNE 10, 2015.

ALSO INCLUDING:
THE EAST 200 FEET OF THE WEST 260 FEET OF THE SOUTH 158 FEET OF THE WEST HALF OF THE NW¼ OF THE NW¼ OF SECTION 34, T18S R25E, M.D.B.&M.;
ALSO INCLUDING:
THE EAST 70 FEET OF THE WEST 330 FEET OF THE SOUTH 158 FEET OF THE WEST HALF OF THE NW¼ OF THE NW¼ OF SECTION 34, T18S R25E, M.D.B.&M.;
THESE INCLUDED PARCELS:
BEING PARCELS 1 AND 2 OF THE REAL PROPERTY DESCRIBED IN EXHIBIT 'A' OF DOCUMENT 2023-0023514 (GRANT DEED) RECORDED ON 5-22-23 IN THE OFFICIAL RECORDS OF THE COUNTY OF TULARE.

ASSESSOR'S PARCEL NO(S):

101-030-018, 101-030-030,
101-030-031, 101-030-032,
AND 101-030-033

OMITTED PARCEL NO(S):

101-030-029, AND 101-030-034

ADDED PARCEL NO(S):

101-030-018

ADD'L ACCESS NOTES

- EXISTING RECIPROCAL ACCESS EASEMENTS PER PARCEL MAP 5133 AND WITHIN PROPERTY LIMITS OF THIS MAP TO BE REMOVED PER THIS MAP.
- RECIPROCAL ACCESS AND MAINTENANCE RESPONSIBILITIES ADDRESSED WITH EXISTING C.C.&R.'S.
- ALIQUOT PARCEL 101-030-018 IS ANNEXED INTO EXISTING C.C.&R.'S.

PROVIDED PARKING TYPE	
PARKING TYPE	COUNT
ADA ACCESSIBLE	7
ADA VAN ACCESSIBLE	5
ADA VAN ACCESSIBLE - EVCS*	1*
ADA STD. ACCESSIBLE - EVCS*	1*
ADA AMBULATORY - EVCS*	1*
EV (CAPABLE)(ONLY**)	76
EVCS (ONLY*)	23*
EXISTING	0
REGULAR	320
TOTAL PARKING PROVIDED	434

NOTE:
* 26 TOTAL ELECTRIC VEHICLE CHARGING STATIONS (EVCS) PROVIDED.
** 76 TOTAL ELECTRIC VEHICLE CAPABLE (ONLY) SPACES PROVIDED.
102 TOTAL EV CAPABLE PARKING SPACES PROVIDED.

UTILITY CONTACTS:

DOMESTIC WATER
CALIFORNIA WATER SERVICE CO.
216 N. VALLEY OAKS DRIVE
VISALIA, CA 93292
PH: (559) 624-1629
ATTN: ALLISON SCHACKMANN

SANITARY SEWER
CITY OF VISALIA-WASTEWATER COLLECTIONS
7579 AVENUE 288
VISALIA, CA 93277
PH: (559) 713-4529
ATTN: JESSICA SANDOVAL

ELECTRICITY
SOUTHERN CALIFORNIA EDISON
4175 S. LASPINA STREET,
TULARE, CA 93274
PH: (559) 685-3293
ATTN: AUSTIN HEFNER-PLANNER

NATURAL GAS
SOUTHERN CALIFORNIA GAS
320 N. TIPTON STREET
VISALIA, CA 93292
PH: (213) 231-3214
ATTN: JEFF WELDON-PLANNER

CABLE TV AND INTERNET
COMCAST CABLE
1031 N. PLAZA DRIVE
VISALIA, CA 93291
PH: (303) 662-6939
ATTN: ERIKA EVANS-ACCOUNT MGR.

TELEPHONE:
AT&T CALIFORNIA
217 W. ACEQUIA AVE.
VISALIA, CA 93291
PH: (559) 622-6646
ATTN: JASON MCCOY

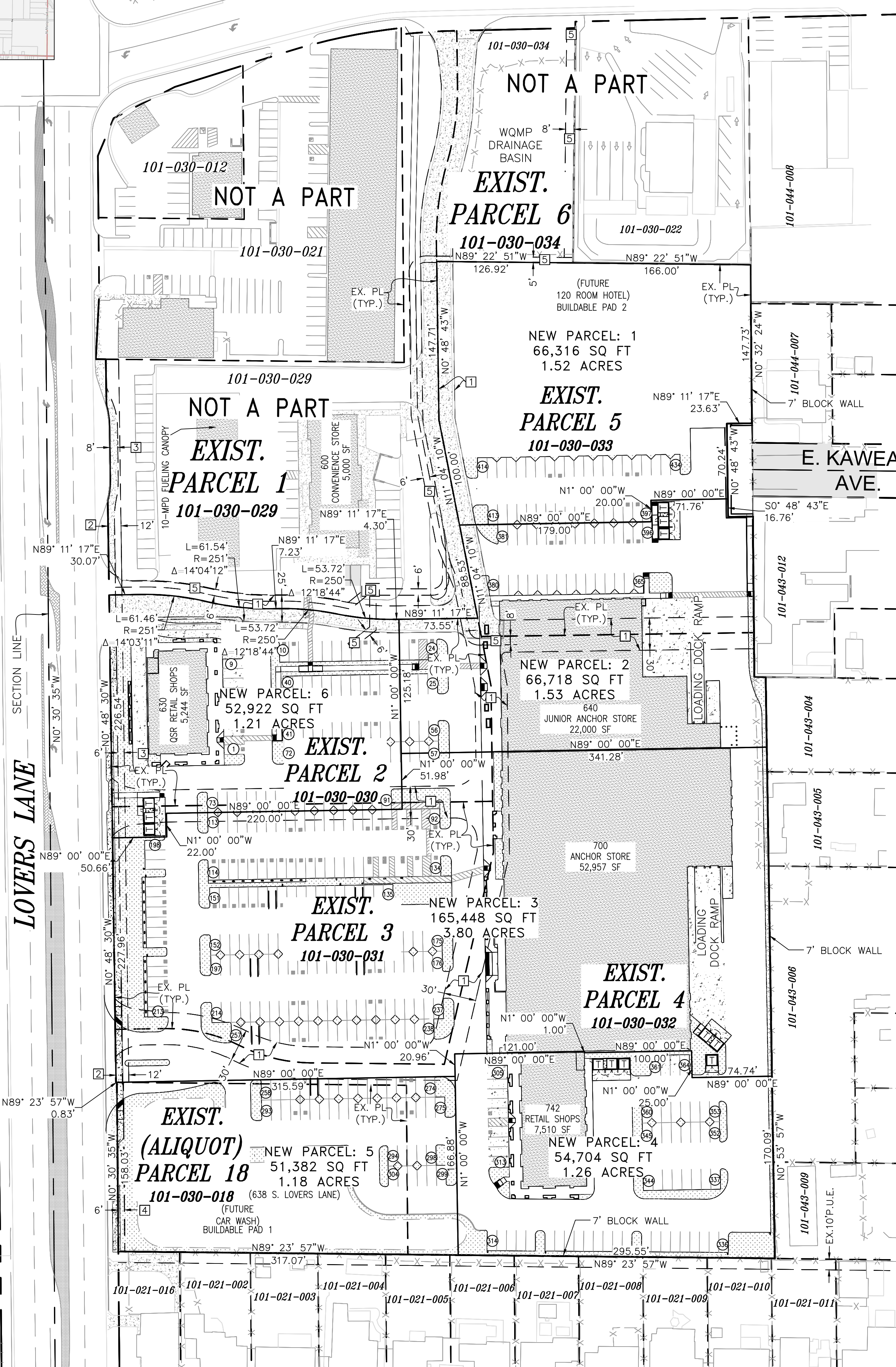
SOLID WASTE DISPOSAL:
CITY OF VISALIA-SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA, CA 93291
PH: (559) 713-4532
ATTN: NATHAN GARZA-DIVISION MANAGER

TENTATIVE PARCEL MAP 2025-XX

BEING A NEW SUBDIVISION OF:
A MAJORITY PORTION OF PARCEL MAP 5133 (PMB52/PG40) INCLUDES
PARCELS 2 THRU 5, ALONG WITH AN ADJACENT ALIQUOT PARCEL,
WITHIN THE CITY OF VISALIA, CALIFORNIA
(SECTION 34, TOWNSHIP 18 SOUTH, RANGE 25 EAST, M. D. B. & M.)

Exhibit "B"

NOBLE AVENUE



PROPERTY OWNER:

TULARE CORNER MINIMART LLC
42270 SPECTRUM STREET
INDIO, CALIFORNIA 92203
CONTACT: NACHHATTAR SINGH CHANDI
(760) 396-9260 X100

APPLICANT:

BLACK GOLD BUILDERS GROUP
42270 SPECTRUM STREET
INDIO, CALIFORNIA 92203
CONTACT: MARK CHAPPELL
(760) 396-9260 X125

SITE ADDRESS:

630,640,700,742, & 638 LOVERS
LANE, CALIFORNIA 93292

EXISTING ZONING:

MIXED USE COMMERCIAL (C-MU)

PROPOSED ZONING:

MIXED USE COMMERCIAL (C-MU)
(NO CHANGE)

EXISTING LAND USE:

OSR(E6), OFFICES (O2), RETAIL (R31),
RETAIL(R33), RETAIL(R50)

PROPOSED LAND USE:

OSR(E6), OFFICES (O2), RETAIL (R31),
RETAIL(R33), RETAIL(R50)
(NO CHANGE)

REGULATED NATIVE OAK TREES:

IN COMPLIANCE WITH CITY MUNICIPAL CODE TITLE 12,
DIVISION 24, THE SITE HAS BEEN SURVEYED FOR
THE PRESENCE OF REGULATED OAK TREES. AS OF
THE TIME OF THIS SUBMITTAL, NO REGULATED OAK
TREES ARE FOUND WITHIN ANY AREA THAT WILL BE
DISTURBED BY A PURPOSED ROADWAY, BUILDING
SITE, OR OTHER LAND DISTURBING ACTIVITY
ASSOCIATED WITH THIS PROJECT.

FLOOD HAZARD ZONE:

SITE FALLS COMPLETELY WITHIN AREA DESIGNATED
BY FLOOD ZONE DESIGNATION "X" - AREAS OF
0.2% ANNUAL CHANCE; AREAS OF 1% ANNUAL
CHANCE OF FLOOD WITH AVERAGE DEPTHS OF LESS
THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN
1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES
FROM 1% ANNUAL CHANCE OF FLOOD.
AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM)
NUMBER 06107C0934E, EFFECTIVE JUNE 16, 2009.

LEGEND:

- RIGHT-OF-WAY LINE
- EX. PROPERTY LINE
- PROP. NEW PARCEL LINES
- EX. EASEMENT/I.O.D. LINE
- SIDEWALK
- CURB
- CURB AND GUTTER
- STRIPING
- 7' PERIMETER BLOCK WALL
- EXIST. CURB AND GUTTER
- EXIST. STRIPING
- EXIST. FENCING
- EXIST. BLOCK WALL
- PCC PAVEMENT/FLATWORK
- BUILDING FOOTPRINT
- LANDSCAPE
- TRASH ENCLOSURE (SINGLE/DOUBLE)
- PARKING SPACES COUNT

BASIS OF BEARINGS

THE WEST LINE OF THE NORTHWEST
QUARTER OF SECTION 34,
T.18S.R.25E, M.D.B.&M., AS SHOWN
ON PARCEL MAP 5133, RECORDED
AS BK 52, PG 40, COUNTY OF
TULARE, O.R.
BEING: N00°30'35"W

BENCHMARK:

CITY OF VISALIA BENCHMARK NO. 61
P-K NAIL IN TOP OF CURB
NORTH RADIUS POINT
N.W. CORNER OF INTERSECTION
(LOVERS LANE AND COLLEGE AVE.)
ELEVATION: 340.705 (NGVD-29)

REQUIRED PARKING

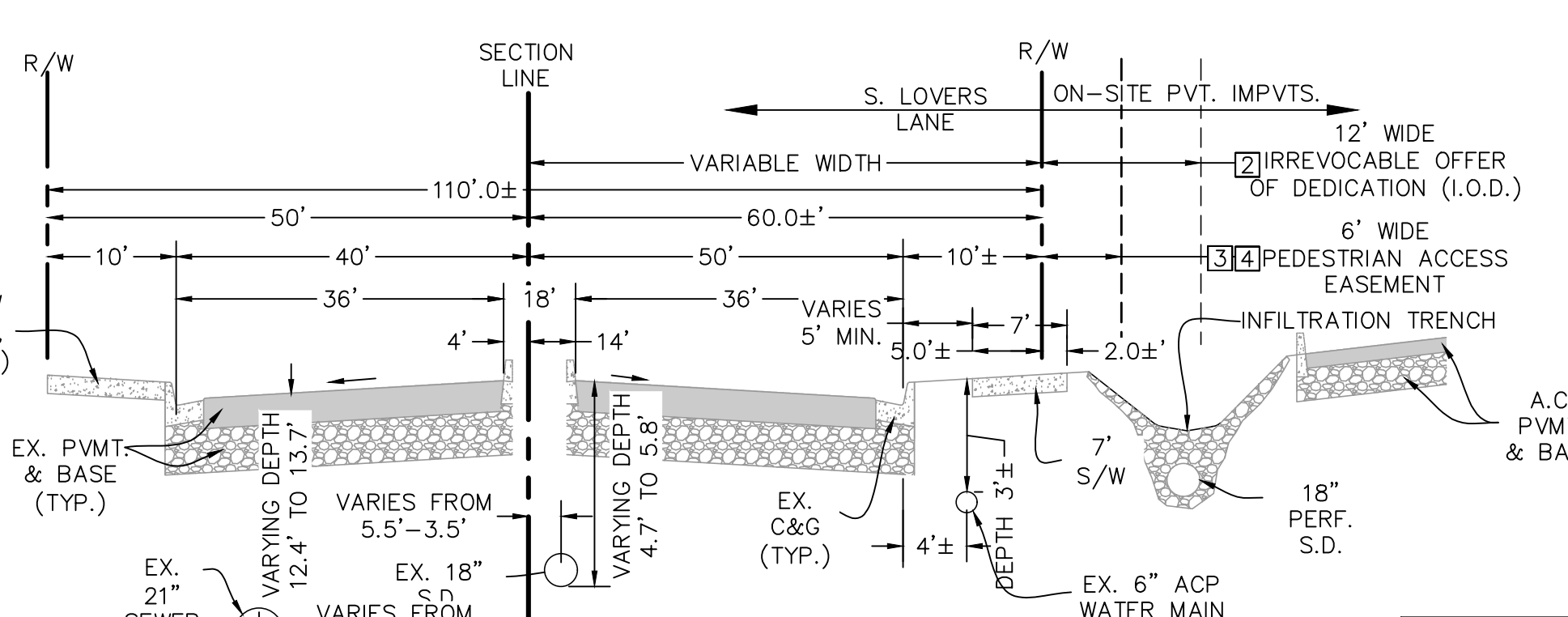
NAME	AREA	FACTOR	MIN. PARKING
ANCHOR BLDG.	52,957	225	236
JUNIOR ANCHOR SPACE	22,000	225	98
RETAIL SHOPS	7,510	225	34
OSR RETAIL SHOPS	5,244	225	24
PAD 1 BUILDABLE AREA	4,940		
PAD 2 BUILDABLE AREA	16,186		
TOTAL REQUIRED PARKING	108,837		392

PARKING REQUIRED:
392 SPACES (VISALIA CITY ORDINANCES, CHAPTER 17.34.020
• 9 ADA SPACES (INCLUDING 2 VAN ACCESSIBLE) [COC 2022,
TABLE 11B-208.2, AND SECTION 11B-208.2.4]
• 20% OF 392 ACTUAL PARKING SPACES=79 EV CAPABLE SPACES
• (25% OF 79 EV CAPABLE SPACES=20 EVCS SPACES) [COC
2022, TABLE 5.106.5.3.1]
• EVCS SPACES COUNT SHALL INCLUDE 1 VAN ACCESSIBLE EVCS,
1 STANDARD ACCESSIBLE EVCS (COC 2022, TABLE
11B-228.3.2.1).

EASEMENTS TABLE

1	EXISTING RECIPROCAL ACCESS EASEMENT IN FAVOR OF PARCELS 1 THROUGH 6 OF PARCEL MAP 5133, AS RECORDED IN BOOK 52 OF PARCEL MAPS ON PAGE 40, TULARE COUNTY, O.R. (TO BE REMOVED)
2	EXISTING IRREVOCABLE OFFER OF DEDICATION IN FAVOR OF THE CITY OF VISALIA PER PARCEL MAP 5133, AS RECORDED IN BOOK 52 OF PARCEL MAPS ON PAGE 40, TULARE COUNTY, O.R.
3	EXISTING EASEMENT IN FAVOR OF THE CITY OF VISALIA FOR PEDESTRIAN ACCESS PURPOSES RECORDED AS DOCUMENT 2015-006946, ON 10/19/2015, IN THE COUNTY OF TULARE, O.R.
4	EXISTING EASEMENT IN FAVOR OF THE CITY OF VISALIA FOR PEDESTRIAN ACCESS PURPOSES RECORDED AS DOCUMENT NO. 2025-0030692, ON 06/27/2025, IN THE COUNTY OF TULARE, O.R.
5	EXISTING EASEMENT AND RIGHT-OF-WAY IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY FOR UNDERGROUND UTILITY PURPOSES RECORDED AS DOCUMENT NO. 2016-0011582, ON 03/02/2016, IN THE COUNTY OF TULARE, O.R.

TYPICAL SECTION ~ S. LOVERS LANE



STA: 10+00 THRU 13+50
NOT TO SCALE



42270 SPECTRUM STREET, INDIO, CA 92203
PH: (760) 396-9260 - FX: (760) 396-5245
CA STATE CONTRACTORS LIC. NO. 954331

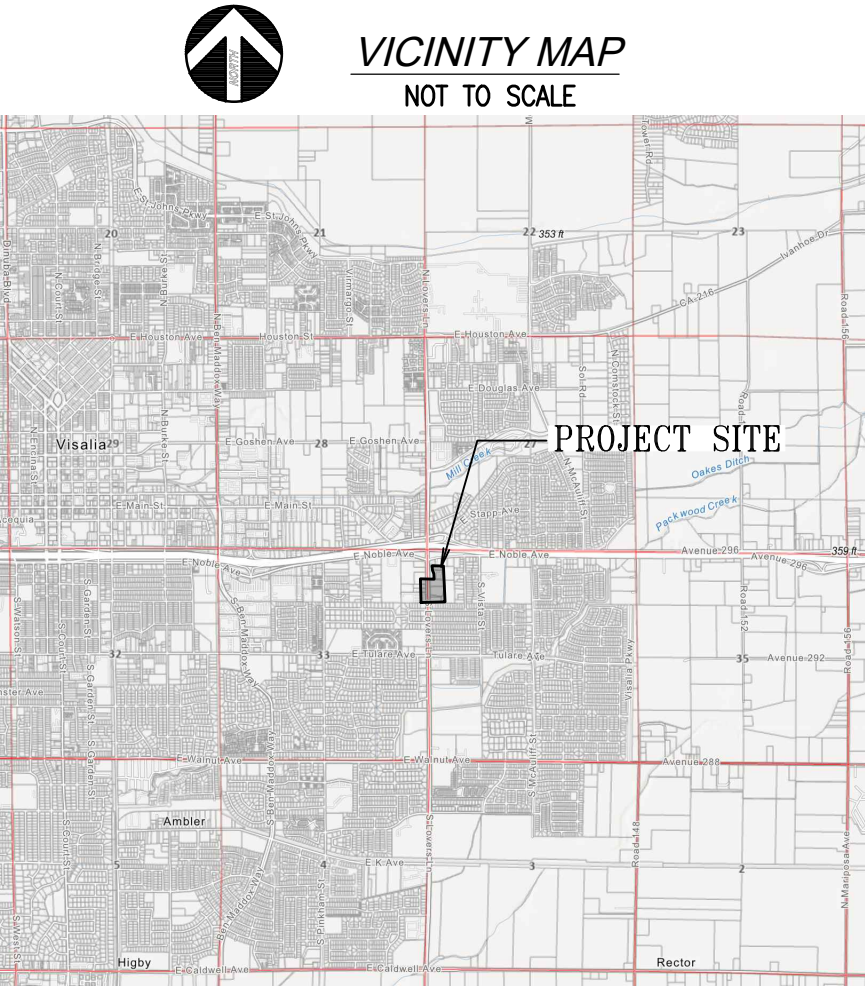
Exhibit "C"


Name	Number	Address	Area
Retail Shops	100	742 S. Lovers Lane	7510 SF
Anchor Building	200	700 S. Lovers Lane	52957 SF
Junior Anchor Space	300	640 S. Lovers Lane	22000 SF
QSR Retail Shops	400	630 S. Lovers Lane	5244 SF
Grand total			87711 SF

REQUIRED PARKING			
NAME	AREA	FACTOR	MIN. PARKING
ANCHOR BLDG.	52,957	225	236
JUNIOR ANCHOR SPACE	22,000	225	98
RETAIL SHOPS	7,510	225	34
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ADA AMBULATORY - EVCS*	1*
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EXISTING	0
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TOTAL PARKING PROVIDED	434

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102 TOTAL EV CAPABLE PARKING SPACES PROVIDED.



 **BLACK GOLD BUILDERS GROUP**
— NC —
42270 SPECTRUM STREET, INDO, CA 92203
PH: (760) 396-9260 • FX: (760) 396-5245
CA STATE CONTRACTORS LIC. NO. 954331

USE OF THIS DRAWING AND ANY REPRODUCTIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH IT WAS PREPARED. REPRODUCTION OR RE-USE OF THIS DRAWING FOR ANY OTHER PURPOSE IS STRICTLY PROHIBITED

Tulare Corner Minimart LLC
630, 640, 700, 742 S. Lovers Lane
Visalia, CA 93292

[illegible]

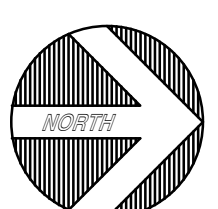
HEET TITLE

SCALE

DATE 1000

LOT NUMBER
6-1079

ET NUMBER



1 **Site Plan**
1" = 30'-0"

$$1'' = 30'-0''$$

78



REPORT TO CITY OF VISALIA PLANNING COMMISSION



HEARING DATE: May 27, 2014

PROJECT PLANNER: Paul Scheibel, AICP, Principal Planner
713-4369

SUBJECT: Conditional Use Permit No. 2014-11: A request to allow the phased development of a shopping center, consisting of six commercial parcels to be developed in four phases with a total of approximately 106,400 square feet of building space, including a gasoline service station, fast food with drive-thru, four-story hotel, drug store with drive-thru, and general retail space on 12 acres.

Tentative Parcel Map No. 20114-03: A request to divide four lots totaling 12 acres into six commercial parcels.

Applicant: Chandi Group USA, Inc.

Location: The project is located on east side of Lovers Lane, approximately 310 feet south of Noble Avenue. (APNs: 101-030-025, -026, -027, and -028)

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2014-11 and Tentative Parcel Map No. 2014-03, based upon the findings and conditions in Resolution Nos. 2014-18 and 2014-19.

RECOMMENDED MOTION

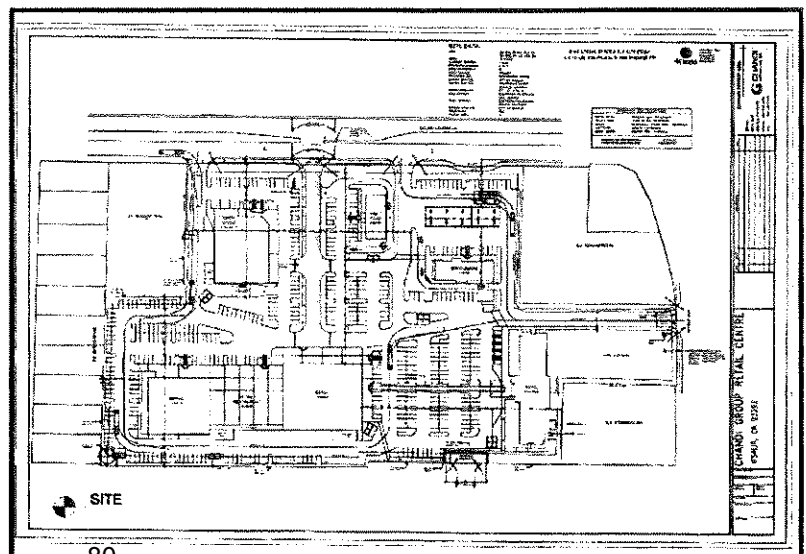
I move to adopt Resolution Nos. 2014-18 and 2014-19, approving Conditional Use Permit No. 2014-11, and Tentative Parcel Map No. 2014-03.

PROJECT DESCRIPTION

The applicant is requesting approval of a master Conditional Use Permit (CUP) that will entitle and guide the development of the 12-acre site. Site buildout is anticipated to occur in up to four individual development phases. The phased development will generally occur from the northwest to the southeast.

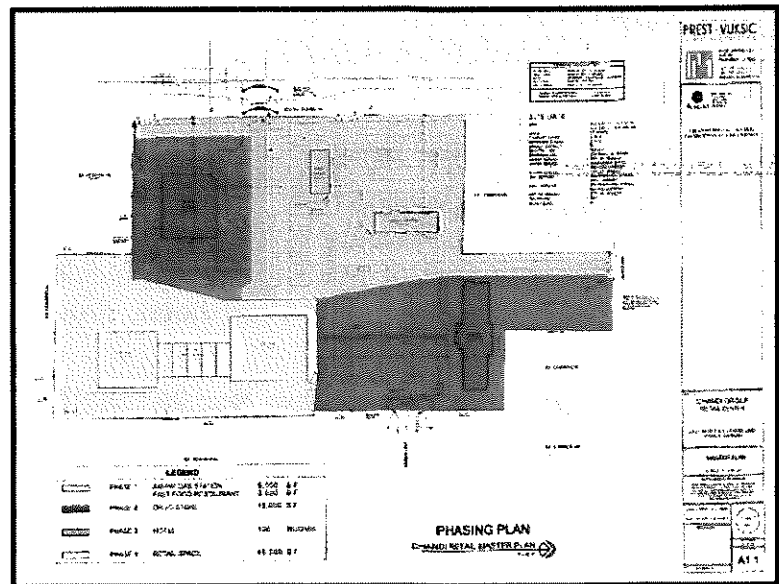
The parcel map proposes to reconfigure the four existing parcels that comprise the project site and to add two new parcels. The proposed parcels will facilitate the sale of portions of the site to one or more future developers.

CUP 2014-11: The CUP entitlement seeks a vested entitlement to develop the site with the proposed uses over an indefinite timeframe. As such, the project includes a master development plan for the entire site, and thematic architectural renderings of the proposed buildings. A master sign program is not included in the application submittals at this time.



Phase 1 of the commercial development will consist of a 5,000 sq. ft. gasoline service station (Arco) that includes an attached fast food restaurant with drive-thru lane. Phase 1 also includes a separate fast food restaurant with drive-thru pad fronting Lovers Lane. Two of three access points and the street frontage right of way improvements along Lovers Lane, and the single access point from Noble Avenue will also be constructed in Phase 1. Phase 2 is a proposed 15,000 sq.ft. drugstore with a drive-thru feature. Phase 3 is a proposed three-story hotel with 120 rooms. Phase 4 is proposed to be a 46,500 sq.ft. retail building for multi-tenant retail occupancy.

Parking and onsite improvements are proposed to be phased to correspond with development of the overall center. However, the majority of access and parking for the project will be constructed in Phase 1. Block walls along property lines adjoining existing residences will be required with the development of the corresponding phase of the project. There are required sound walls to mitigate potentially adverse noise impacts for the benefit of existing residences. Construction of these walls will be required at the time of development on the respective project phase. The current termination of Kaweah Avenue on the northeast portion of the site will be improved as a pedestrian access point. Other onsite improvements include thematic landscaping to be installed concurrently with each development phase, and an onsite landscaped retention basin near the Noble Avenue frontage.



Tentative Parcel Map 2014-03: The proposed Tentative Parcel Map would create six commercial parcels ranging in size from .66-acre (28,750 sq.ft.) to 4.65-acre (202,554 sq.ft.). Parcel 4 will serve as a retention basin. However, it will become a salable lot when there is sufficient stormwater drainage capacity in the area to accept stormwater flows into the City's drainage system. Right of way dedication and improvements along the east side of Lovers Lane, including a bus turn out, and the limited Noble Avenue frontage will be completed in conjunction with recordation of the final map.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Shopping/Office Commercial
Zoning:	C/SO (Shopping/Office Commercial)
Surrounding Zoning and Land Use:	<p>North: C/SO. (7-11 Gasoline Sales/Convenience Store) on the northwest portion, Town and Country Carwash on the northeast portion</p> <p>South: C/SO. Single-family residence on the southwest portion; and, R-1-6 (Single-Family Residential) single-family residential neighborhood on the southeast portion.</p> <p>East: R-1-6 (Single-Family Residential) zone / Single-family residential neighborhood.</p>

West: CS (Service Commercial) Lovers Lane and mix of retail and service businesses along the west side of Lovers Lane.

Environmental Review: Mitigated Negative Declaration No. 2014-28
Special Districts: None
Site Plan: 2013-194 (Commercial Development)
2013-199 (Tentative Parcel Map)

RELATED PROJECTS

There are no previous entitlements on the project site. Discussion of the Riverbend Commercial Center (CUP 2011-30 & TPM 2011-04) is provided as an example of a recently entitled phased commercial development proposal filed as a Master CUP.

On October 22, 2012, the Planning Commission considered Conditional Use Permit 2011-30 for a former version of a planned commercial development on the site containing all of the same land uses along with Tentative Parcel Map 2011-04. The project is located at the southeast corner of Dinuba Blvd. and Riggins Avenue. The project included a General Plan Amendment and Change of Zone from Low Density Residential/ R-1-6,000 to CSO (Shopping/Office Commercial).

The Planning Commission approved the CUP and Parcel Map with modifications, although the entitlements were subsequently appealed to the City Council. The appeal hearing was held by the City Council on November 19, 2012, along with the public hearing for the affiliated GPA 2011-14 and COZ 2011-15.

The Planning Commission expressed concern about the project, including the lack of renderings illustrating a consistent architecture theme for the Arco station and the Wendy's restaurant (Phase 1), and future commercial buildings, internal inconsistencies of the proposed sign program, and other common area facilities such as access and circulation, and a block wall to separate the commercial development from existing residences to the south.

The City Council voted to uphold the appeal without prejudice and deny the CUP and Parcel Map. Also as part of the motion, the City Council tabled the project's General Plan Amendment and Change of Zone, providing an opportunity for these entitlements to be reconsidered with a new Conditional Use Permit and Parcel Map.

A refined version of the project was subsequently re-considered by the Planning Commission on August 13, 2013, and was denied by a vote of 2/2. The Signage Plan for the project, which included proposed canopy lighting and illuminated signage on the gas island canopy, also received a vote of 2/2. As such, the project was forwarded to the City Council along with the associated GPA and Change of Zone for final action.

The entire project was approved by the City Council on September 3, 2013, by a vote of 4-1.

PROJECT EVALUATION

Staff recommends approval of the Conditional Use Permit and Tentative Parcel Map based upon the findings and conditions in the attached resolutions. Specific aspects of the proposed project and justifications for special conditions of approval are analyzed in the sections below.

CUP 2014-11 and TPM 2014-03

Consistency with the General Plan, Zoning Ordinance, and Subdivision Ordinance

The project components meet the standards and requirements contained in the City's development policies and Code documents. The General Plan Land Use Map designates the project site as Shopping Office/Commercial. The General Plan Land Use Element discusses the C S/O land use designation as shown in Land Use Policy 3.5.7:

3.5.7 Shopping/Office Centers for a range of neighborhood and community-level commercial and office uses. Consists of areas previously designated for local retail (C-2.5), neighborhood, community and regional commercial uses. Generally characterized as strip or linear in nature and serving a non-regional market area. General locations are:

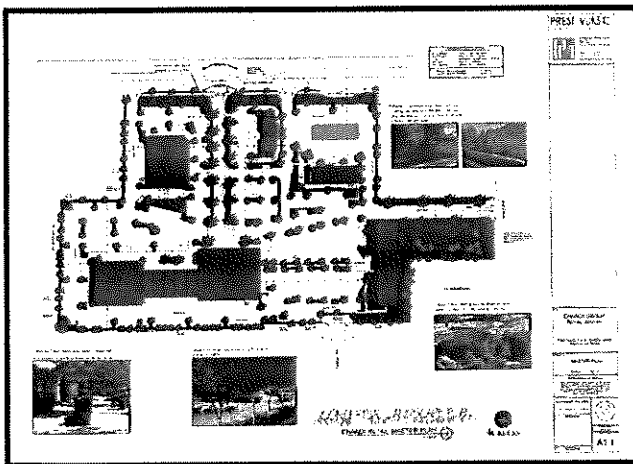
The proposed uses identified in CUP 2014-11 generally correspond to the range of uses described in the General Plan, and to uses existing in other C S/O developments throughout the City. The Zoning Ordinance identifies gasoline service stations, hotels, and uses with drive-thru facilities as conditionally allowed.

The proposed Parcel Map complies with the criteria for creation of commercial parcels, including adequate ingress/egress, sufficient parcel area to provide parking, landscaping and to meet setback requirements for the building that will ultimately be constructed on the parcel. All parcels can be adequately accessed from public roads, and can be adequately served by utilities and infrastructure.

Recommended Special Conditions of Approval

The Planning Commission has the authority to impose special conditions of approval when it determines the conditions are necessary in order to ensure the project's development and ongoing operation achieve City policies and standards, including safety and compatibility with surrounding uses. The following conditions are recommended to be included in the resolutions approving the project.

1. Re-location of the northern driveway: The location of the northern-most access point along Lovers Lane does not meet City Engineering design standards for separation distance



and alignment with other access points along the affected roadway. The City Traffic Engineer has determined the access point would need to be re-located approximately 15 ft. to the north to align with the existing driveway for the Storage Max facility on the west side of Lovers Lane. The median break will also need to be re-designed to facilitate left turn movements into the existing Super Max Storage entrance to the west, and the entrance to the proposed project. The onsite circulation plan will also need to be redrawn accordingly. Staff has included this requirement as Condition No. 1.A., rather than

requiring the applicant to submit new CUP site and parcel map exhibits.

2. Common area construction and maintenance: The Master Plan project includes extensive common areas needed to be constructed and maintained for the shared benefit and obligation among the eventual uses on the proposed parcels. This responsibility should be borne by a recognized entity that will transcend various parcel owners and site users. Condition

No. 5 for CUP 2014-11 and Condition No. 4 for TPM 2014-03 requires that an instrument suitable to the City be recorded before issuance of the first building permit on the site or recordation of the final parcel map, whichever occurs first.

3. Access from the not-a-part parcel: There is a 17,500 sq.ft. parcel adjacent to the project along the southerly property line. The parcel is zoned C S/O and contains a single-family residence that takes access from Lovers Lane. City staff anticipates the site will eventually re-develop to a commercial use independently of the proposed project.

Staff recommends placing Condition No. 1.B. on both the CUP and TPM approvals that grants a unilateral access easement in favor of the residential parcel to the southernmost drive aisle (south side of Parcel 3) at the time of its conversion to commercial use. This condition has been placed on previous projects with similar circumstances where the easements facilitate efficient onsite access among separate parcel developments, with the additional benefit of eliminating a street access point.

4. Detailed loading dock plans: The development plans submitted for the Master CUP entitlement do not provide detailed screening plans for loading docks that will be associated with the retail buildings. Condition No. 2.A. would apply to the proposed drug store on Parcel 3, and the two anchor tenant suites of the retail building on Parcel 6. The condition requires that detailed loading dock plans be included in the initial building permits for these buildings. The plans shall demonstrate that: The dock has adequate truck parking space without obstructing vehicle circulation; the dock is fully screened from offsite view, including public rights of way, and, the noise mitigation standards in the Acoustical Analysis prepared for the project can be met.

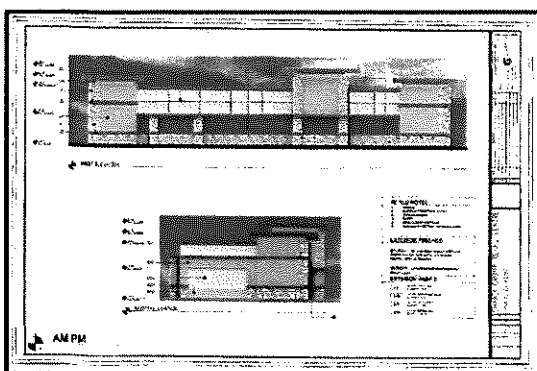
5. Gas Island Canopy Lighting and Signage: CUP Condition No. 2.B. requires that the fuel island canopy lighting be recessed into the canopy and shielded to prevent any significant light or glare from falling upon the adjacent properties or public right of way.

In addition, CUP Condition No. 2B. specifies that there shall be no fascia illumination on the gas island canopy, including any type of light strips or LED/neon banding. An internally illuminated logo sign is recommended for approval. This is consistent with the approved signage plan approved by the City Council for the Riverbend project.

6. Line up entrance on Parcel 3 with small drive aisle: CUP Condition No. 1.C. requires the north/south drive aisle that bisects the parking area adjacent to Parcel 2, to be aligned with the northern entrance to the parking area of Parcel 3. This will ensure for safer and more efficient turning movements among the parcels.

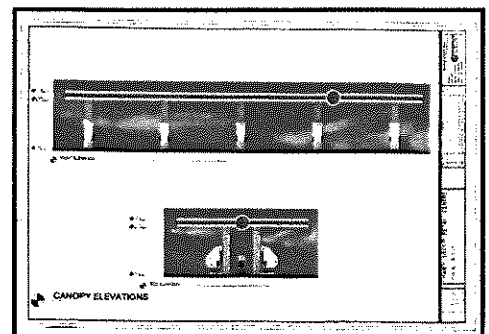
7. Provide vehicle barriers on undeveloped lots: CUP Condition No. 1.D. requires that barriers be installed to preclude vehicle travel and parking on the portions of the project site that are not proposed for immediate development. This condition is recommended to preclude the potential for vehicle travel that generates dust, and encourages parking to display cars for sale. The typically employed barrier consists of low metal poles with wire cable.

Architectural Theme and Details

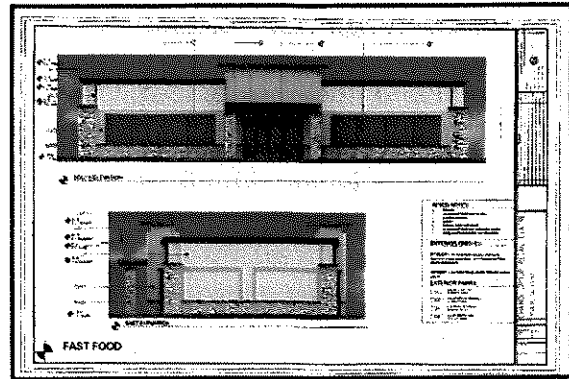
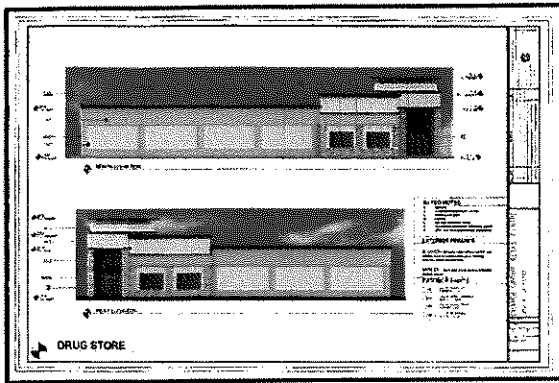


An architecture theme, including color and material palette, has been developed for use with all buildings within the commercial center.

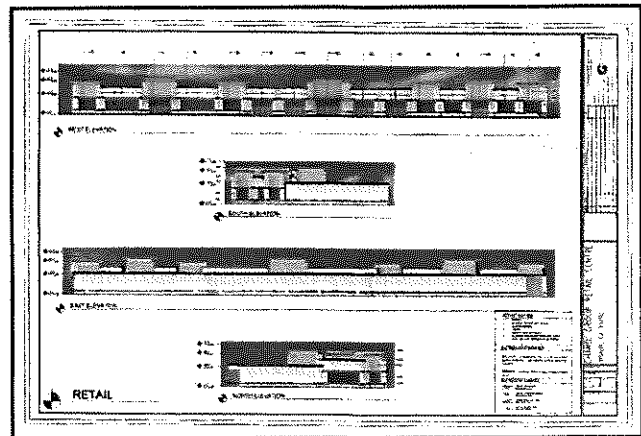
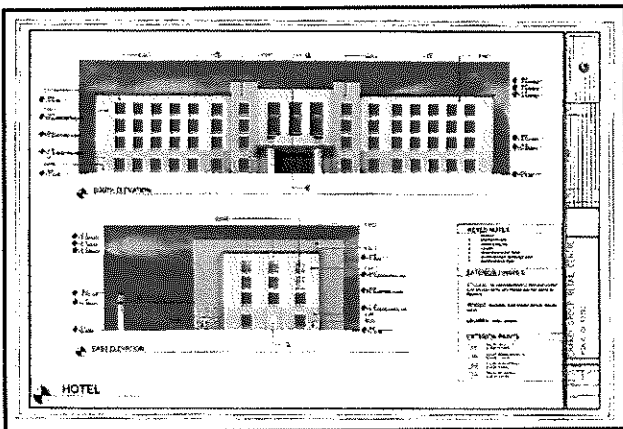
The Master Plan provides visual details to



be incorporated into the commercial center's building designs, which will be carried throughout all of the buildings in all four phases. The Arco convenience store and gas island canopies are shown on the facing page. The fast food and drug store buildings are shown below.



The hotel and retail center buildings that will be developed in future phases of the project are shown below.



Traffic, Onsite Circulation, Drive-thru Lanes, and Parking

A Traffic Impact Study has been prepared to examine the project's impacts on adjacent roadways and intersections. The Study concluded the project will contribute to traffic volumes at the intersection of Lovers Lane and Noble Avenue, including the Hwy 198 on and off ramps near the intersection. There is a longterm plan to re-design the intersection, which would be done under Caltrans jurisdiction. The Traffic Study concluded the project would not in and of itself degrade the level of service (LOS) rating of the intersection.

The project will be required to dedicate and build full right of way improvements on Lovers Lane, and will dedicate and improve its limited frontage on Noble Avenue. The project will pay traffic impact fees at the time of development of each building on the project site.

As noted previously, the northernmost access point will be required to be re-located to the north. This will cause the onsite circulation plan, as well as potentially the conceptual site plan for Parcel 2, to be re-drawn. Staff concludes the revisions would not substantively change the overall scope of the CUP or TPM entitlements. Therefore the revisions can be reviewed at the staff level for condition compliance. There is adequate parking for each of the proposed uses shown by development phase, and there is adequate parking on the site for full project buildout.

The drive-thru lanes meet all of the performance standards of the recently adopted Ordinance pertaining to permitting drive-thru lane uses. These performance standards include minimum vehicle stacking, orientation of order boards, and separation from residential uses.

Commercial Interface with Adjacent Residences / Block Wall Requirement

The commercial project site will be adjacent to residential uses on the south and east. The residential land uses will be separated in accordance with the Zoning Ordinance's codified standards for separating commercial land uses from residences. This includes minimum ten-foot setbacks and the requirement for solid block walls seven feet in height. These walls will become necessary in Phases 3 and 4 when development will occur adjacent to residences. Construction of these walls is recommended to be deferred until the time of construction in order to minimize the potential of graffiti and other forms of vandalism before they are actually needed as a separation device.

The four-story hotel proposes to be oriented on an east/west axis to place its narrow side adjacent to existing single-family residences and to future multi-family units to the east and north. Loading docks, in particular those serving the future retail building in Phase 4 (Parcel 6) are conditioned to require adequate visual screening and sound attenuation. This will necessitate submittal of detailed loading dock plans at the time of permit submittal for the respective buildings, demonstrating compliance with this requirement.

Kaweah Avenue presently terminates at the site boundary. The master site development plan proposes this to be a pedestrian access point only. The full pedestrian path will occur with development of Phases 3 and 4 since these are adjacent to the access point. Staff concurs with this portion of the master development plan.

Conditional Uses / Gas Station, Drive-Thru (Including Fast food Restaurant) and Hotel

The proposal includes a 5,000 square foot, 10-gas island Arco gasoline service station. The Arco AM/PM convenience store will include a fast food outlet with a drive-thru feature.

The Operational Statement in Exhibit "P" indicates that the fuel island, convenience store, and fast food outlet would operate 24 hours a day. There are no prohibitions to operating 24 hours a day as long as Community Noise Standards are maintained, as specified in Chapter 8.36 of the Visalia Municipal Code. The freestanding fast food restaurant also proposed for Phase 1 does not specify hours of operation. However, there is no codified restriction to it operating on a 24-hour basis.

The Master Plan elevations of the uses (please see Exhibit D) demonstrates that the Phase 1 building architecture will utilize elements of the overall architecture theme for the commercial center. Staff finds that the use of these architecture features and elements are evident in these conditional uses that are intended to be built in the initial phase, and that they contribute to the overall theme of the commercial center. Notwithstanding the architecture theme, the buildings will have the ability to integrate corporate signage on the elevations. The architectural consistency among the uses is further compulsory through Condition 2 of the CUP.

Illuminated Signage & Gas Station Canopy – Impacts to Residential

The project site is adjacent to existing residential development to the south and east. The applicant has provided lighting photometric diagrams for the entire site which show that there would be little or no light or glare from the proposed on site lighting. Staff has determined that the studies provided by the applicant demonstrate compliance with the City's standards wherein no more than 0.5 lumens are exceeded beyond the boundaries of the commercial center. The development would be further required to shield or prevent significant light or glare from falling upon adjacent residential properties.

Staff recommends several conditions related to sight lighting and signage to reduce light impacts to the adjacent residential properties. CUP Condition No. 2.B. requires that the fuel

island canopy lighting be recessed into the canopy and shielded to prevent any significant light or glare from falling upon the adjacent residential properties.

In addition, CUP Condition No. 2.B. requires that there shall be no internally illuminated signage on the exterior fascia of the canopy including any type of light strips or LED/neon banding. This elimination of canopy lighting is due to the fact that the canopy signage is approximately 16 to 18 feet in height, and could be clearly visible from nearby residences.

To reduce the potential glare from high intensity light sources such as neon and LED lights, CUP Condition No.2.C. prohibits their use as accent lighting on the buildings and limiting their use in signs to indirect lighting.

Correspondence Received

To date, the City has received several inquiries regarding the project, including one letter of opposition. The letter is provided as Exhibit I.

Environmental Review

An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA). The Initial Study disclosed that the project, as conditioned and with mitigation measures for greenhouse gas (GHG) reduction in place, will not have a significant adverse effect on the environment. Therefore, staff recommends that Mitigated Negative Declaration No. 2014-28 and the Mitigation Monitoring Program contained within be adopted for this project.

RECOMMENDED FINDINGS

Conditional Use Permit No. 2014-11

1. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
2. That the proposed conditional use permit would be compatible with adjacent land uses.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2014-28, incorporating the Mitigation Monitoring Program included within, is hereby adopted.
4. That the conditional use permit is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

Tentative Parcel Map No. 2011-03

1. That the proposed tentative parcel map is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed tentative parcel map would be compatible with adjacent land uses.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2014-28, incorporating the Mitigation Monitoring Program included within, is hereby adopted.
4. That the tentative parcel map is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

RECOMMENDED CONDITIONS

Conditional Use Permit No. 2014-11

1. That the project shall be developed and maintained in substantial compliance with the site plans in Exhibits "A", "B", and "G", except for specific revisions as follows:

A. Re-location of the northern driveway: The location of the northern-most access point along Lovers Lane shall be re-located in a manner meeting the approval of the City Engineer that meets separation distance and alignment with other access points along the affected roadway, and with Engineering Standard P-12. Further, any costs to reconfigure the existing center median or any other portion of Lovers Lane shall be borne at the applicant's sole expense.

B. Access easement to adjacent parcel: The applicant shall record an access easement in favor of the property at 738 S. Lovers Lane (APN 101-030-018). Such easement shall become effective upon development of said parcel to commercial use standards required by the P-C S/O Zone District and Design District C, or similar Design District.

C. Entrance on Parcel 3 with small drive aisle: The north/south drive aisle that bisects the parking area adjacent to Parcel 2 shall be aligned with the northern entrance to the parking area of Parcel 3.

D. The applicant shall install and maintain vehicle barriers on undeveloped lots. Such barriers shall be installed to preclude vehicle travel and parking on the portions of the project site that are not proposed for immediate development. The typically employed barrier consists of low metal poles with wire cable.

2. That the project shall be developed and maintained in substantial compliance with the elevation plans in Exhibits "D" and "G", except for specific revisions as follows:

A. Detailed loading dock plans: Prior to issuance of building permits for buildings located on Parcel 3 or Parcel 6 of TPM 2014-03, the applicant shall submit detailed development plans for loading docks that will be associated with the retail buildings. Such plans shall demonstrate that: The dock has adequate truck parking space without obstructing vehicle circulation; the dock is fully screened from offsite view, including public rights of way, and, the noise mitigation standards in the Acoustical Analysis prepared for the project can be met.

B. Gas Island Canopy Lighting and Signage: Lighting for the fuel island canopy shall be recessed into the canopy and shielded to prevent any significant light or glare from falling upon the adjacent properties or the public right of way. There shall be no fascia illumination on the gas island canopy, including any type of light strips or LED/neon banding. An internally illuminated logo sign is allowed.

C. No high intensity light sources such as neon and LED lights shall be allowed as accent lighting on buildings.

3. That the project and site landscaping and lighting shall be developed and maintained in substantial compliance with Exhibits "E" and "F" unless otherwise specified in the conditions of approval. Detailed landscaping plans shall be submitted with building permits for each individual project allowed by CUP 2014-11.

4. That the project be developed in substantial compliance with Site Plan Review No. 2013-194.

5. Before issuance of the first building permit or recordation of Parcel Map 2014-03, the applicant shall record a restrictive covenant including vehicular access, landscaping and

permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, common lot landscaping, and all similar infrastructure agreements among one and all property owners. The restrictions and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review these restrictions or vehicular access agreements verifying compliance with these requirements prior to the covenant's recordation.

6. That a separate Conditional Use Permit shall be obtained for any substantial revision to the conditionally approved uses for CUP 2014-11, or for any conditionally-allowed uses that subsequently locate on the project site.
7. That all applicable federal, state, regional, and city policies and ordinances be met.
8. That all of the conditions and responsibilities of Conditional Use Permit No. 2014-11 shall run with the land and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.
9. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2014-11.
10. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2014-28 are hereby incorporated as conditions of this Conditional Use Permit.
11. That illuminated building signage shall be placed so as to not allow direct or indirect light or glare from falling upon the adjacent residential properties.

Tentative Parcel Map No. 2014-03

1. That the tentative parcel map be prepared in substantial compliance with Exhibit "C".

A. Re-location of the northern driveway: The location of the northern-most access point along Lovers Lane shall be re-located in a manner meeting the approval of the City Engineer that meets separation distance and alignment with other access points along the affected roadway, and with Engineering Standard P-12. Further, any costs to reconfigure the existing center median or any other portion of Lovers Lane shall be borne at the applicant's sole expense.

B. Access Easement to adjacent parcel: The applicant shall record an access easement in favor of the property at 738 S. Lovers Lane (APN 101-030-018). Such easement shall become effective upon development of said parcel to commercial use standards required by the P-C S/O Zone District and Design District C, or similar Design District.

2. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2013-199.
3. That Conditional Use Permit No. 2014-11 shall be approved, and that requirements of the use permit which relate to this map shall be fulfilled.
4. That a restrictive covenant including vehicular access, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, common lot landscaping, and all similar infrastructure agreements shall be recorded with the final parcel map. The restrictions and/or vehicular access agreements shall address property owners' responsibility for repair

and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review these restrictions or vehicular access agreements verifying compliance with these requirements prior to the covenant's recordation.

5. That all applicable federal, state, regional, and city policies and ordinances be met.
6. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Tentative Parcel Map No. 2014-03.
7. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2014-28 are hereby incorporated as conditions of this Tentative Parcel Map.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.28.080, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 425 East Oak Avenue, Suite 301, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.ci.visalia.ca.us or from the City Clerk.

Attachments:

- Related Plans and Policies
- Resolution No. PC 2014-18 for CUP 2014-11
- Resolution No. PC 2014-19 for TPM 2014-03
- Exhibit "A" – CUP Site Plan
- Exhibit "B" – CUP Phasing Plan
- Exhibit "C" – Tentative Parcel Map
- Exhibit "D" – Elevations
- Exhibit "E" – Site Landscape Plan
- Exhibit "F" – Photometric Site Plan
- Exhibit "G" – Wall Plan
- Exhibit "H" - Operational Statement
- Exhibit "I" - Correspondence Received
- Mitigated Negative Declaration No. 2014-28
- Site Plan Review Comments
- General Plan Land Use Map; Zoning Map; Aerial Map; Location Sketch

The master plan document provides a set of regulations and standards for the planned commercial center that, while being constructed over multiple phases, will result in a cohesive and consistent commercial center. Developers and end users located in the center will be required to comply with the specifications of the master plan, including building design, pedestrian elements, landscaping, and street improvements.

RELATED PLANS AND POLICIES

LAND USE ELEMENT OF THE GENERAL PLAN

3.5 COMMERCIAL LAND DEVELOPMENT AND LAND USE

Objectives

- A. Maintain Visalia's role as the regional retailing center for Tulare and Kings Counties.
- B. Ensure the continued viability of Visalia's existing commercial areas.
- C. Promote comprehensively planned, concentric commercial areas to meet the needs of Visalia residents and its market area.
- D. Create and maintain a commercial land use classification system (including location and development criteria) which is responsive to the needs of shoppers, maximizing accessibility and minimizing trip length.
- E. Designate appropriate and sufficient commercial land for Visalia's needs to the year 2020 with appropriate phasing.

Implementing Policies

- 3.5.1 Ensure that future commercial development is concentrated in shopping districts and nodes to discourage expansion of new strip commercial development.
- 3.5.2 Ensure that commercial development in residential areas serves the needs of the area and includes site development standards which minimize negative impacts on abutting properties.
- 3.5.7 Shopping/Office Centers for a range of neighborhood and community-level commercial and office uses. Consists of areas previously designated for local retail (C-2.5), neighborhood, community and regional commercial uses. Generally characterized as strip or linear in nature and serving a non-regional market area. General locations are:
 - 1. Dinuba Highway, between Ferguson and Houston.
 - 2. East side of Ben Maddox Way, between Main Street and Houston.
 - 3. Murray Street corridor between Divisadero to Conyer.
 - 4. Houston corridor, between Divisadero and Turner.

5. Noble Avenue corridor between Ben Maddox and Pinkham. Also, land locked or infill parcels may be added to this designation when they are merged with adjacent properties to obtain Noble Avenue frontage.
6. Mineral King Plaza (south of SH 198 between Linwood and Chinowth).
7. Cain Street and Goshen Avenue.
8. Other locations that may be found to be appropriate by the City Council and in conformity with the intent of the Land Use District.

3.5.14 In order to provide for integration of convenience level and neighborhood level commercial uses into neighborhoods, require design measures which encourage pedestrian traffic, and de-emphasize use of walls as buffers which create barriers to pedestrian access and which are not visually pleasing.

VISALIA MUNICIPAL CODE

Chapter 17.18: PLANNED COMMERCIAL ZONES

Section 17.18.010 Purposes.

A. The several types of commercial zones included in this chapter are designed to achieve the following:

1. Provide appropriate areas for various types of retail stores, offices, service establishments and wholesale businesses to be concentrated for the convenience of the public; and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons which they serve in a manner consistent with the general plan;
 2. Maintain the central business district (CBD - Conyer Street to Tipton and Murray Street to Mineral King Avenue including the Court-Locust corridor to the Lincoln Oval area) as Visalia's traditional, medical, professional, retail, government and cultural center;
 3. Maintain Visalia's role as the regional commercial center for Tulare, Kings and southern Fresno counties;
 4. Maintain and improve Visalia's retail base to serve the needs of local residents and encourage shoppers from outside the community;
 5. Accommodate a variety of commercial activities to encourage new and existing business that will employ residents of the city and those of adjacent communities;
 6. Maintain Visalia's role as the regional retailing center for Tulare and Kings Counties and ensure the continued viability of the existing commercial areas;
 7. Maintain commercial land uses which are responsive to the needs of shoppers, maximizing accessibility and minimizing trip length;
 8. Ensure compatibility with adjacent land uses.
- B. The purpose of the individual commercial land use zones are as follows:
3. Planned Shopping/Office Zone--(P-C-SO). The purpose and intent of the planned shopping/ office zone district is to provide areas for a wide range of neighborhood and community level retail commercial and office uses. This district is intended to provide for the transition from service and heavy commercial uses where they exist in this district to retail and office and to provide areas for neighborhood goods and services where shopping centers may not be available.

Design District: "C" [17.30.180]

Maximum Building Height: 50 Feet

Minimum Setbacks:

	Building	Landscaping
<input type="checkbox"/> Front	15 Feet	15 Feet

<input type="checkbox"/> Side	0 Feet	5 Feet*
<input type="checkbox"/> Street side on corner lot	15 Feet	10 Feet
<input type="checkbox"/> Side abutting residential zone	15 Feet	5 Feet
<input type="checkbox"/> Rear	0 Feet	5 Feet*
<input type="checkbox"/> Rear abutting residential zone	10 Feet	5 Feet

*(Except where building is on property line)

Minimum Site Area: 6,000 square feet

Parking: As prescribed in Chapter 17.34

Chapter 17.38: CONDITIONAL USE PERMITS

Section 17.38.110 Action by planning commission.

A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:

1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.

C. The commission may deny an application for a conditional use permit. (Prior code § 7536)

Article 16- SUBDIVISION ORDINANCE

16.28.040 Tentative parcel maps.

A. The person or agency dividing land under this section shall file a tentative parcel map with the community development director not less than thirty (30) days before the date of the commission meeting at which such map is to be considered. Such filing shall be prior to the start of any grading or construction work within the proposed division of land. The tentative parcel map shall be submitted in the same manner as provided for subdivisions as to area improvement and design, flood and water drainage control, and as to required public improvements.

B. A person desiring to divide land subject to the provisions of this chapter shall submit the tentative parcel map, therefore in accord with the following requirements:

1. Filing. Twenty-five (25) copies of the tentative parcel map shall be filed with the community development director. The tentative parcel map shall be legibly drawn, on eighteen (18) inch by twenty-six (26) inch tracing paper suitable for reproduction, to a scale and in a manner to best illustrate the proposed division.

2. Fees. At the time of filing of the tentative parcel map, a fee shall be paid to the city in such amount as may be established by the city council, on a yearly basis, by resolution.

3. Acceptance. The city engineer and community development director shall examine any such tentative parcel map within five working days of presentation and shall not accept such map unless the map is in full

compliance with the provisions of this chapter and the Subdivision Map Act of the state of California, as to form, data, information, and other matters required to be shown on or furnished therewith.

4. Distribution. The community development director shall immediately forward copies of the tentative parcel map to each of the following when affected:

- a. Southern California Gas Company, two copies;
- b. Southern California Edison Company, three copies;
- c. California Water Service, two copies;
- d. Pacific Telephone Company, three copies;
- e. Continental Cablevision, two copies;
- f. Visalia Unified School District, one copy.

5. Agency Action. With the exception of school districts, the agency receiving a copy of the tentative parcel map shall file a report within fifteen (15) days after the receipt thereof. School districts shall respond within twenty (20) working days of the date on which the notice was mailed to the school district for comment. If a reply is not received prior to the meeting at which consideration of the map is made, it will be assumed that the map conforms to the requirements of the particular agency concerned. (Ord. 9605 § 32 (part), 1996: prior code § 9225)

16.28.090 Time limit on tentative parcel map.

Failure to file a final parcel map with the county recorder within twenty four (24) months after the date of approval or conditional approval of the tentative parcel map shall automatically revoke said approval, and a final parcel map shall not be recorded until a new tentative parcel map has been filed and approved in accordance with the provisions of this chapter. However, upon application by the owner or his authorized agent, an extension of not more than an additional thirty-six (36) months may be granted by the planning commission. If the planning commission denies an application for an extension of time, the owner or his authorized agent may appeal the action to the city council in the manner set forth in Section 16.28.080. (Prior code § 9250)

16.28.100 Improvements.

Pursuant to the provisions of the Subdivision Map Act, the subdivider shall install, construct and/or provide all on or off-site improvements as recommended by the city engineer and as required by the commission. Such improvements shall be limited to the dedication of rights-of-way, easements and the construction of reasonable off-site and on-site improvements for the parcels being created. The nature, extent and design of such improvements and the guaranteeing of completion thereof shall be in full conformance with the provisions in Chapter 16.36. (Prior code § 9255)

16.28.110 Right-of-way dedications.



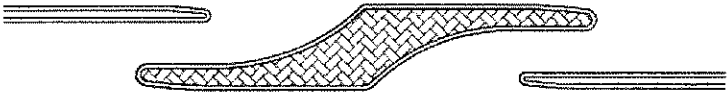
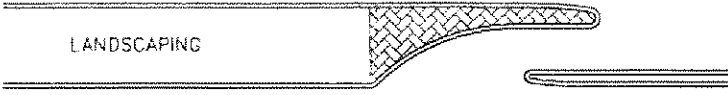

A. Pursuant to the Subdivision Map Act, the subdivider shall provide such dedication of right-of-way and/or easements as may be required by the planning commission.

B. The planning commission may, at its discretion, require that offers of dedication or dedication of streets include a waiver of direct access rights to any such streets from any property shown on the final map as abutting thereon, in accord with the provisions of the Subdivision Map Act. (Prior code § 9260)

16.28.120 Final parcel maps.

Within the time limit designated in Section 16.28.090 and upon the accomplishment of all dedications by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety providing therefore, and the payment of all applicable fees and charges, the applicant may file a final parcel map with the city engineer and community development director, who shall approve the final parcel map if it substantially conforms to the approved tentative parcel map and all applicable provisions of the Subdivision Map Act and this chapter. The appropriate certificates, as provided by the applicant in accordance with the provisions of the Subdivision Map Act, shall be signed by the city engineer and community development director upon the parcel map, and the final parcel map shall be transmitted by the city clerk to the clerk of the county board of supervisors for ultimate transmittal to the county recorder. (Ord. 9605 § 32 (part), 1996: prior code § 9265)

ENGINEERING DESIGN STANDARD

 <p>LANDSCAPING</p> <p>ARTERIAL MEDIAN ISLAND</p>	
 <p>LANDSCAPING</p> <p>ARTERIAL MEDIAN ISLAND OPENING</p>	
 <p>ARTERIAL MEDIAN ISLAND OPENING FOR TWO WAY LEFT TURN ONLY</p>	
 <p>LANDSCAPING</p> <p>ARTERIAL MEDIAN ISLAND OPENING FOR ONE WAY LEFT TURN ONLY</p>	
<p>LEGEND:</p> <p> STAMPED CONCRETE</p> <p>ANY MEDIAN SPACE LESS THAN 2' BACK OF CURB TO BACK OF CURB SHALL BE SOLID CONCRETE FINISH</p>	
<p>APPROVED BY: <i>Anthony Bonelli</i></p> <p>PUBLIC WORKS DIRECTOR</p>	<p>3/2/08</p> <p>R.C.E. 50022 DATE</p>
<p>CITY OF VISALIA</p> <p>DESIGN & IMPROVEMENT STANDARDS</p>	
<p>STAMPED CONCRETE & LANDSCAPING LOCATIONS IN ARTERIAL MEDIANS</p>	<p>REVISIONS</p> <p>1/10/08</p> <p>P-12</p>

RESOLUTION NO 2014-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA
APPROVING CONDITIONAL USE PERMIT NO. 2014-1125:

A REQUEST BY THE CHANDI GROUP, USA, INC., A REQUEST TO ALLOW THE
PHASED DEVELOPMENT OF A SHOPPING CENTER, CONSISTING OF SIX
COMMERCIAL PARCELS TO BE DEVELOPED IN FOUR PHASES WITH A TOTAL
OF APPROXIMATELY 106,400 SQUARE FEET OF BUILDING SPACE, INCLUDING
OF A GASOLINE SERVICE STATION, FAST FOOD WITH DRIVE-THRU, FOUR-
STORY HOTEL, DRUG STORE WITH DRIVE-THRU, AND GENERAL RETAIL SPACE
ON 12 ACRES. THE PROJECT IS LOCATED ON EAST SIDE OF LOVERS LANE,
APPROXIMATELY 310 FEET SOUTH OF NOBLE AVENUE. (APNS: 101-030-025, -
026, -027, AND -028)

WHEREAS, Conditional Use Permit No. 2014-11 –is a request to allow the
phased development of a shopping center, consisting of six commercial parcels to be
developed in four phases with a total of approximately 106,400 square feet of building
space, including of a gasoline service station, fast food with drive-thru, four-story hotel,
drug store with drive-thru, and general retail space on 12 acres; and, .

WHEREAS, The Planning Commission of the City of Visalia held a duly
published and noticed public hearing on May 27, 2014; and,

WHEREAS, the Planning Commission of the City of Visalia finds the conditional
use permit to be in accordance with Section 17.38.110 of the Zoning Ordinance of the
City of Visalia based on the evidence contained in the staff report and testimony
presented at the public hearing; and

WHEREAS, an Initial Study was prepared which disclosed that no significant
environmental impacts would result from this project, if recommended mitigation
measures were incorporated in the project.

NOW, THEREFORE, BE IT RESOLVED, that Mitigated Negative Declaration
No. 2014-28 was prepared consistent with the California Environmental Quality Act and
City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning
Commission of the City of Visalia approves the proposed conditional use permit based
on the following specific findings and based on the evidence presented:

1. That the proposed conditional use permit is consistent with the policies
and intent of the General Plan and Zoning Ordinance.

2. That the proposed conditional use permit would be compatible with adjacent land uses.

3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2014-28, incorporating the Mitigation Monitoring Program included within, is hereby adopted.

4. That the conditional use permit is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

BE IT FURTHER RESOLVED that the Planning Commission approves the conditional use permit on the real property herein described in accordance with the terms of this resolution under the provisions of Chapter 17.38 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project shall be developed and maintained in substantial compliance with the site plans in Exhibits "A", "B", and "G", except for specific revisions as follows:

A. Re-location of the northern driveway: The location of the northern-most access point along Lovers Lane shall be re-located in a manner meeting the approval of the City Engineer that meets separation distance and alignment with other access points along the affected roadway, and with Engineering Standard P-12. Further, any costs to reconfigure the existing center median or any other portion of Lovers Lane shall be borne at the applicant's sole expense.

B. Access easement to adjacent parcel: The applicant shall record an access easement in favor of the property at 738 S. Lovers Lane (APN 101-030-018). Such easement shall become effective upon development of said parcel to commercial use standards required by the P-C S/O Zone District and Design District C, or similar Design District.

C. Entrance on Parcel 3 with small drive aisle: The north/south drive aisle that bisects the parking area adjacent to Parcel 2 shall be aligned with the northern entrance to the parking area of Parcel 3.

D. The applicant shall install and maintain vehicle barriers on undeveloped lots. Such barriers shall be installed to preclude vehicle travel and parking on the portions of the project site that are not proposed for immediate development. The typically employed barrier consists of low metal poles with wire cable.

2. That the project shall be developed and maintained in substantial compliance with the elevation plans in Exhibits "D" and "G", except for specific revisions as follows:

A. Detailed loading dock plans: Prior to issuance of building permits for buildings located on Parcel 3 or Parcel 6 of TPM 2014-03, the applicant shall submit detailed development plans for loading docks that will be associated with the retail buildings. Such plans shall demonstrate that: The dock has adequate truck parking space without obstructing vehicle circulation; the dock is fully screened from offsite

view, including public rights of way, and, the noise mitigation standards in the Acoustical Analysis prepared for the project can be met.

B. Gas Island Canopy Lighting and Signage: Lighting for the fuel island canopy shall be recessed into the canopy and shielded to prevent any significant light or glare from falling upon the adjacent properties or the public right of way. There shall be no fascia illumination on the gas island canopy, including any type of light strips or LED/neon banding. An internally illuminated logo sign is allowed.

C. No high intensity light sources such as neon and LED lights shall be allowed as accent lighting on buildings.

3. That the project and site landscaping and lighting shall be developed and maintained in substantial compliance with Exhibits "E" and "F" unless otherwise specified in the conditions of approval. Detailed landscaping plans shall be submitted with building permits for each individual project allowed by CUP 2014-11.

4. That the project be developed in substantial compliance with Site Plan Review No. 2013-194.

5. Before issuance of the first building permit or recordation of Parcel Map 2014-03, the applicant shall record a restrictive covenant including vehicular access, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, common lot landscaping, and all similar infrastructure agreements among one and all property owners. The restrictions and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review these restrictions or vehicular access agreements verifying compliance with these requirements prior to the covenant's recordation.

6. That a separate Conditional Use Permit shall be obtained for any substantial revision to the conditionally approved uses for CUP 2014-11, or for any conditionally-allowed uses that subsequently locate on the project site.

7. That all applicable federal, state, regional, and city policies and ordinances be met.

8. That all of the conditions and responsibilities of Conditional Use Permit No. 2014-11 shall run with the land and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.

9. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2014-11.

10. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2014-28 are hereby incorporated as conditions of this Conditional Use Permit.

11. That illuminated building signage shall be placed so as to not allow direct or indirect light or glare from falling upon the adjacent residential properties.

RESOLUTION NO 2014-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA
APPROVING TENTATIVE PARCEL MAP NO. 2014-03:
A REQUEST BY THE CHANDI GROUP, USA, INC. TO DIVIDE 12 ACRES INTO SIX
PARCELS COMMERCIAL PARCELS.
THE PROJECT IS LOCATED ON THE EAST SIDE OF LOVERS LANE,
APPROXIMATELY 310 FEET SOUTH OF NOBLE AVENUE (APNS: 101-030-025, -
026, -027, AND -028)

WHEREAS, Tentative Parcel Map No. 2014-0301 is a request by The Chandi Group, USA, Inc. to divide 12 acres into six commercial parcels. The project is located on the east side of Lovers Lane, approximately 310 feet south of Noble Avenue. (APNs: 101-030-025, -026, -027, and -028); and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice held a public hearing before said Commission on May 27, 2014; and,

WHEREAS, the Planning Commission of the City of Visalia finds the tentative parcel map in accordance with Section 16.28.070 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, if recommended mitigation measures were incorporated in the project.

NOW, THEREFORE, BE IT RESOLVED, that a Mitigated Negative Declaration was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia approves the proposed tentative parcel map based on the following specific findings and based on the evidence presented:

1. That the proposed tentative parcel map is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed tentative parcel map would be compatible with adjacent land uses.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with

mitigation and that Mitigated Negative Declaration No. 2014-28, incorporating the Mitigation Monitoring Program included within, is hereby adopted.

4. That the tentative parcel map is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the tentative parcel map on the real property hereinabove described in accordance with the terms of this resolution under the provisions of Section 16.28.070 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the tentative parcel map be prepared in substantial compliance with Exhibit "C".

A. Re-location of the northern driveway: The location of the northern-most access point along Lovers Lane shall be re-located in a manner meeting the approval of the City Engineer that meets separation distance and alignment with other access points along the affected roadway, and with Engineering Standard P-12. Further, any costs to reconfigure the existing center median or any other portion of Lovers Lane shall be borne at the applicant's sole expense.

B. Access Easement to adjacent parcel: The applicant shall record an access easement in favor of the property at 738 S. Lovers Lane (APN 101-030-018). Such easement shall become effective upon development of said parcel to commercial use standards required by the P-C S/O Zone District and Design District C, or similar Design District.

2. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2013-199.

3. That Conditional Use Permit No. 2014-11 shall be approved, and that requirements of the use permit which relate to this map shall be fulfilled.

4. That a restrictive covenant including vehicular access, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, common lot landscaping, and all similar infrastructure agreements shall be recorded with the final parcel map. The restrictions and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review these restrictions or vehicular access agreements verifying compliance with these requirements prior to the covenant's recordation.

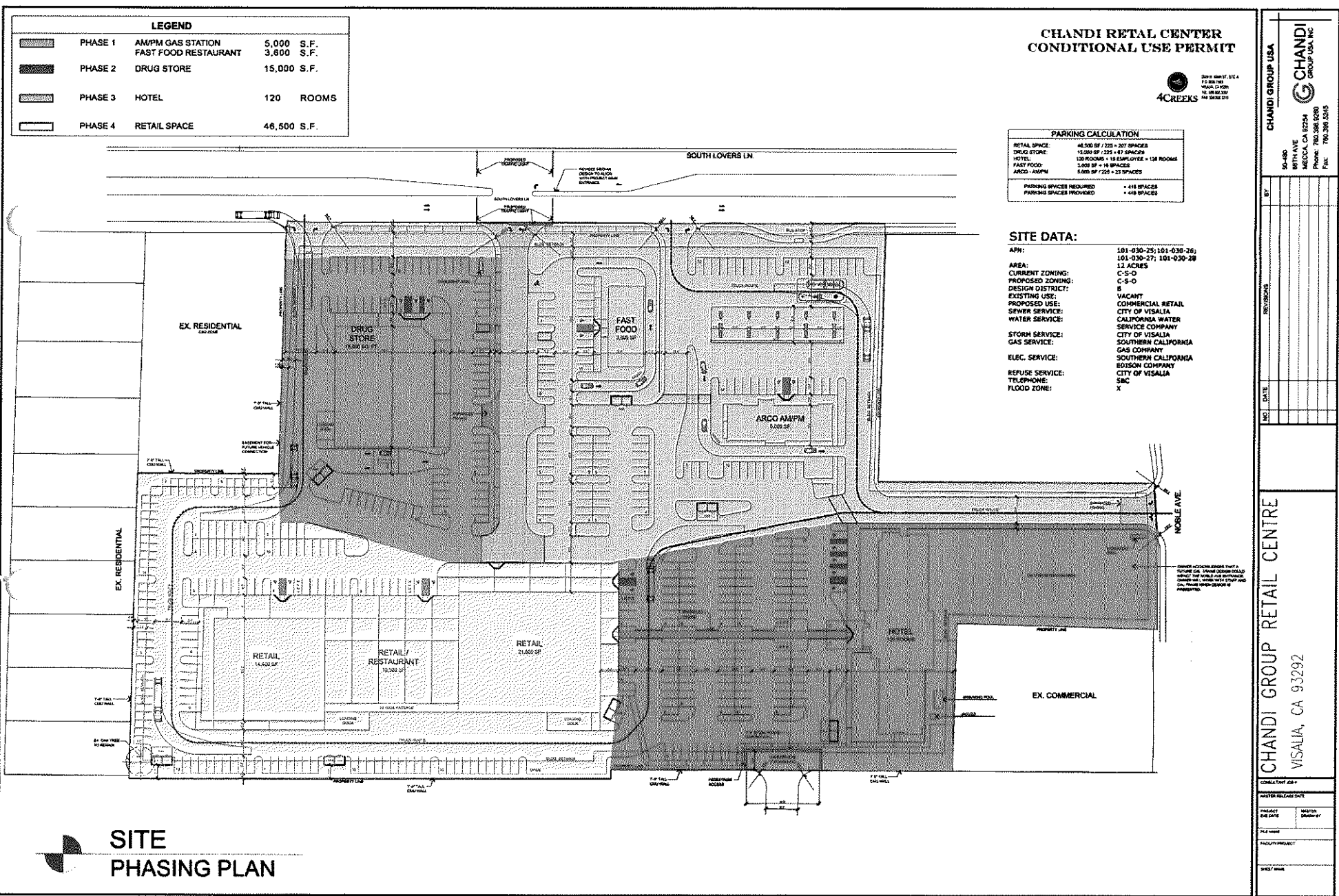
5. That all applicable federal, state, regional, and city policies and ordinances be met.

6. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Tentative Parcel Map No. 2014-03.

7. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2014-28 are hereby incorporated as conditions of this Tentative Parcel Map.

Josh McDonnell, Assistant Director / City Planner

Adam Peck, Chairperson



RETAIL CENTER TENTATIVE PARCEL MAP

1/2 OF SE 1/4 OF SECTION 29, TOWNSHIP 18 SOUTH, 24 EAST, MERIDIAN, IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA

March 2014

PREPARED FOR: BUCHANAN & CHASE
VISALIA, CALIFORNIA
3000 W. MAIN ST.
SUITE A
VISALIA, CA 93281

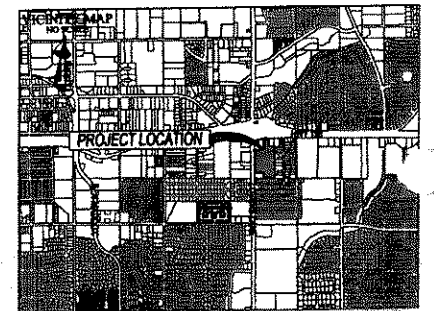
PREPARED BY: A. CHASE, INC.
3000 W. MAIN ST.
SUITE A
VISALIA, CA 93281

SITE DATA:

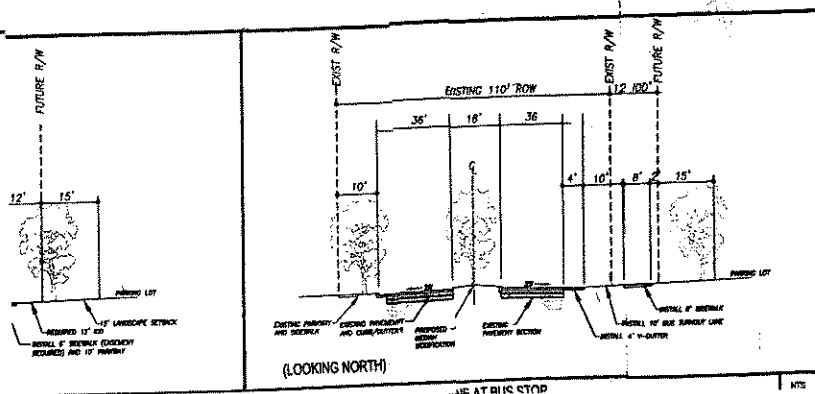
APN:	101-030-25; 101-030-26; 101-030-27; 101-030-28
AREA:	12 ACRES
CURRENT ZONING:	C-S-O
PROPOSED ZONING:	C-S-O
DESIGN DISTRICT:	B
EXISTING USE:	VACANT
PROPOSED USE:	COMMERCIAL RETAIL
SEWER SERVICE:	CITY OF VISALIA
WATER SERVICE:	CALIFORNIA WATER SERVICE COMPANY
STORM SERVICE:	CITY OF VISALIA
GAS SERVICE:	SOUTHERN CALIFORNIA GAS COMPANY
ELEC. SERVICE:	SOUTHERN CALIFORNIA EDISON COMPANY
REFUSE SERVICE:	CITY OF VISALIA
TELEPHONE:	SBC
FLOOD ZONE:	X

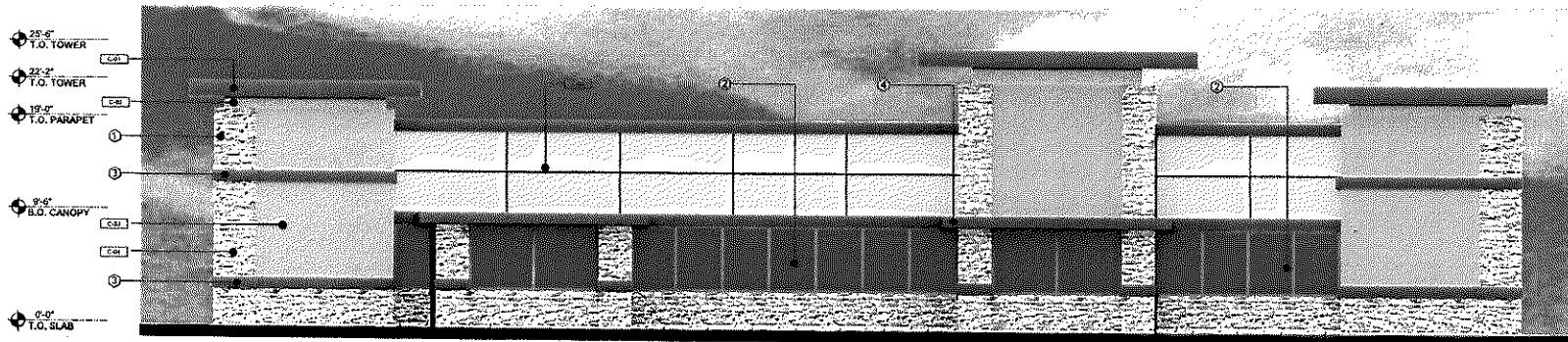
BUILDING AND PARKING:

RETAIL SPACE:	46,500 SF. / 225 = 207 SPACES
DEVELOPMENT:	150,000 SF. / 225 = 67 SPACES
TOTAL:	150,000 SF. / 225 = 274 SPACES
WALK-UP RESTAURANT:	3,500
TOTAL PARKING SPACES PROVIDED:	274
TOTAL PARKING SPACES REQUIRED:	274
GAS STATION MINI MART:	5,000 SF. / 225 = 23 SPACES

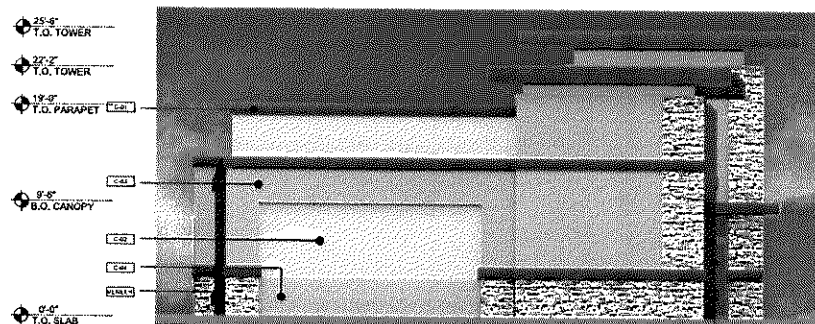


PREPARED BY:
A. CHASE, INC.
3000 W. MAIN ST., ETC. A
VISALIA, CA 93281
TEL: 805.832.3800
FAX: 805.832.3715





WEST ELEVATION



NORTH ELEVATION

KEYED NOTES:

1. SIGNAGE
2. ALUMINUM STOREFRONT SYSTEM
3. CORNICE MOLDING
4. CANOPY
5. SERVICE DOOR AND FRAME
6. ALUMINUM STOREFRONT ENTRANCE DOORS

EXTERIOR FINISHES

STUCCO: 7/8" SAND FINISH STUCCO (PORTLAND CEMENT PLASTER) OVER METAL LATH PROVIDE CONTROL JOINTS AS REQUIRED

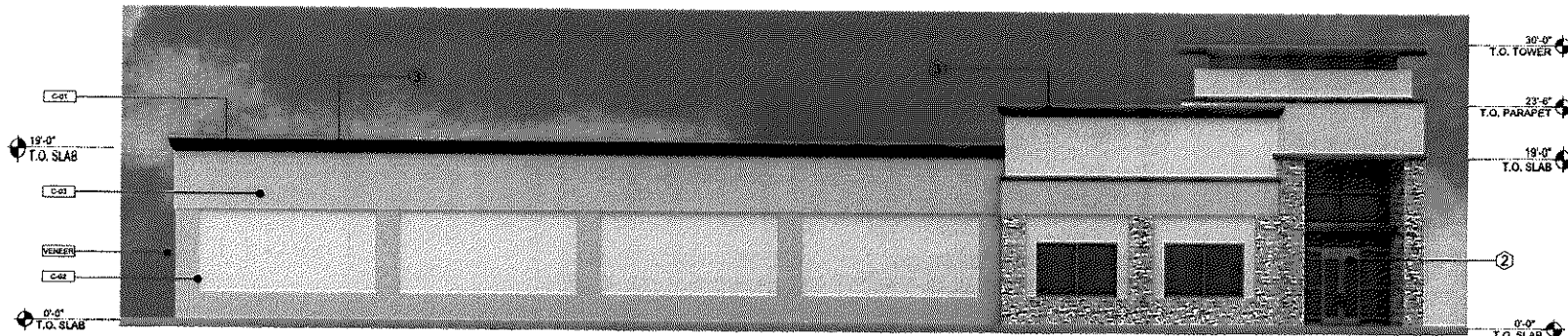
VENEER: CULTURED STONE VENEER DRESSED SIMILAR COLOR

EXTERIOR PAINTS

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| C-01 | COLOR: CHEST NUT
ICI # 80YR 13325 |
| C-02 | COLOR: SPRING MAGNOLIA
ICI # 45YY 72230 |
| C-03 | COLOR: MOON STRUCK
ICI # 20YY 53423 |
| C-04 | COLOR: BROWN BAG
ICI # 10YY 35196 |

AM PM

CHANDI GROUP USA	
94405 VISALIA, CA 93294 Phone: 760.396.8000 Fax: 760.396.1245	CHANDI GROUP USA
DATE	REVISION
NO.	DATE
CHANDI GROUP RETAIL CENTRE VISALIA, CA 93292	
PROJECT SAC: JPL/S	DESIGNER JPL/S
PROJECT/PROJECT	
DRAWN BY	



NORTH ELEVATION



WEST ELEVATION

KEYED NOTES:

1. SIGNAGE
2. ALUMINUM STOREFRONT SYSTEM
3. CORNICE MOLDING
4. CANOPY
5. SERVICE DOOR AND FRAME
6. ALUMINUM STOREFRONT ENTRANCE DOORS
7. STEEL SHUTTER OPENING FOR UNLOADING

EXTERIOR FINISHES

STUCCO: - 7/8" SAND FINISH STUCCO (PORTLAND CEMENT PLASTER) OVER METAL LATH PROVIDE CONTROL JOINTS AS REQUIRED

VENEER: - CULTURED STONE VENEER DRESSED SIMILAR COLOR

EXTERIOR PAINTS

- | | |
|------|---|
| C-01 | COLOR: CHEST NUT
ICI # 85YR 13/225 |
| C-02 | COLOR: SPRING MAGNOLIA
ICI # 45YY 72/250 |
| C-03 | COLOR: MOON STRUCK
ICI # 20YY 53/423 |
| C-04 | COLOR: BROWN BAG
ICI # 13YY 35/196 |

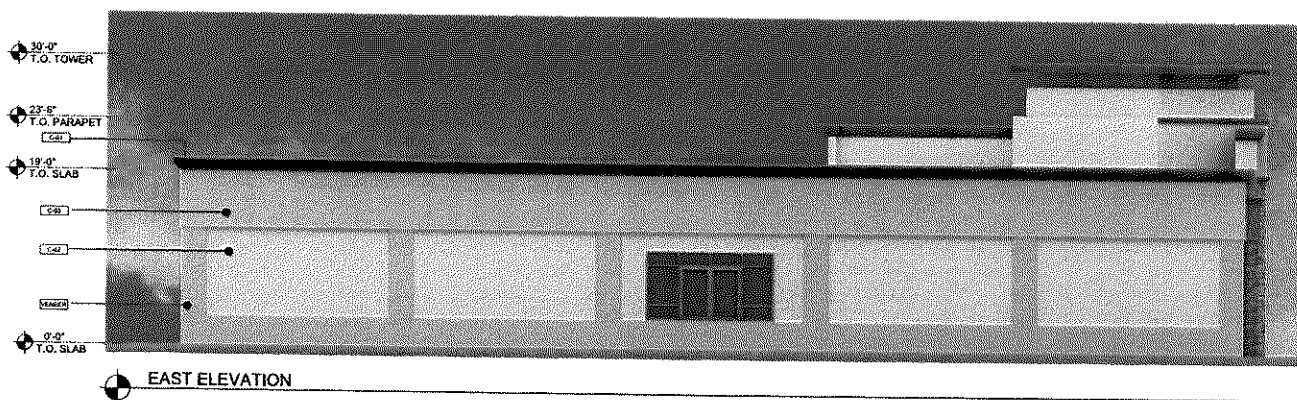
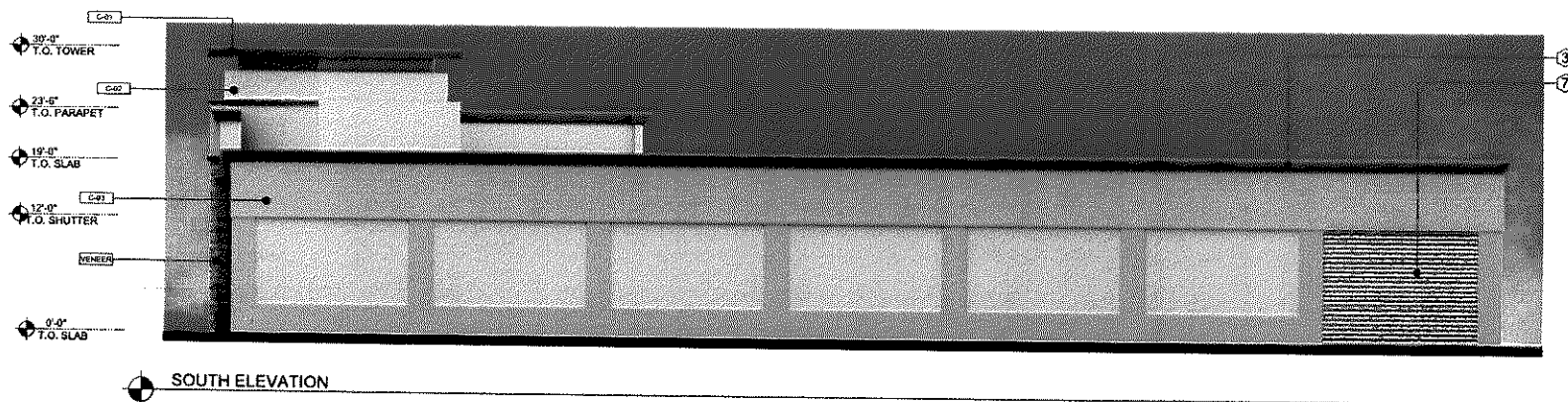
DRUG STORE

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CHANDI GROUP RETAIL CENTRE

VISALIA, CA 93292

CHANDI GROUP USA
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20040



DRUG STORE

- KEYED NOTES:**

1. SIGNAGE
2. ALUMINUM STOREFRONT SYSTEM
3. CORNICE MOLDING
4. CANOPY
5. SERVICE DOOR AND FRAME
6. ALUMINUM STOREFRONT ENTRANCE DOORS
7. STEEL SHUTTER OPENING FOR UNLOADING

EXTERIOR FINISHES

STUCCO:- 7/8" SAND FINISH STUCCO (PORTLAND CEMENT PLASTER) OVER METAL LATH PROVIDE CONTROL JOINTS AS REQUIRED

VENEER:- CULTURED STONE VENEER DRESSED
 SIMILAR COLOR

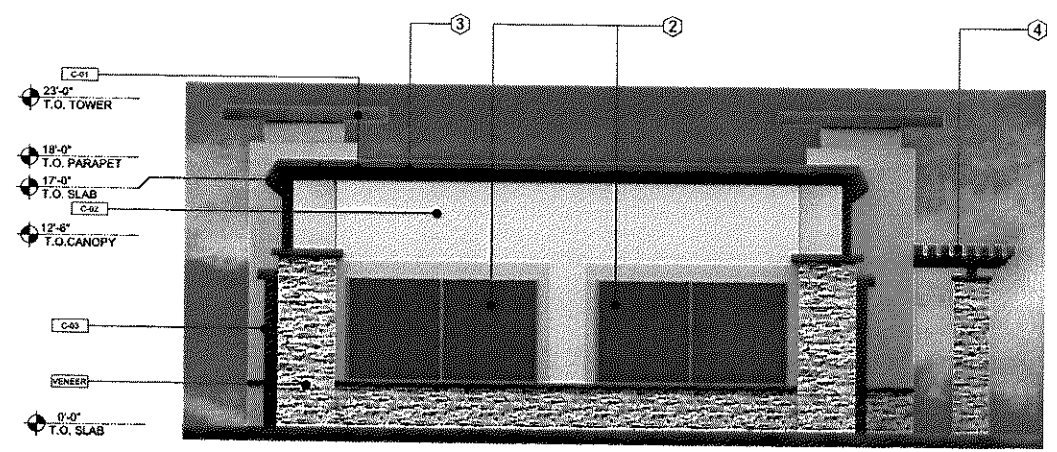
EXTERIOR PAINTS

- | | |
|------|--|
| C-01 | COLOR: CHEST NUT
ICI # 60YR 13/325 |
| C-02 | COLOR: SPRING MAGNOLIA
ICI # 45Y 72/230 |
| C-03 | COLOR: MOON STRUCK
ICI # 20Y 53/423 |
| C-04 | COLOR: BROWN BAG
ICI # 10Y 35/196 |

[illegible]



NORTH ELEVATION



WEST ELEVATION

KEYED NOTES:

1. SIGNAGE
2. ALUMINUM STOREFRONT SYSTEM
3. CORNICE MOLDING
4. CANOPY
5. SERVICE DOOR AND FRAME
6. ALUMINUM STOREFRONT ENTRANCE DOORS
7. STEEL SHUTTER OPENING FOR UNLOADING
8. DRIVE THRU SERVICE WINDOW

EXTERIOR FINISHES

STUCCO: 7/8" SAND FINISH STUCCO (PORTLAND CEMENT PLASTER) OVER METAL LATH PROVIDE CONTROL JOINTS AS REQUIRED

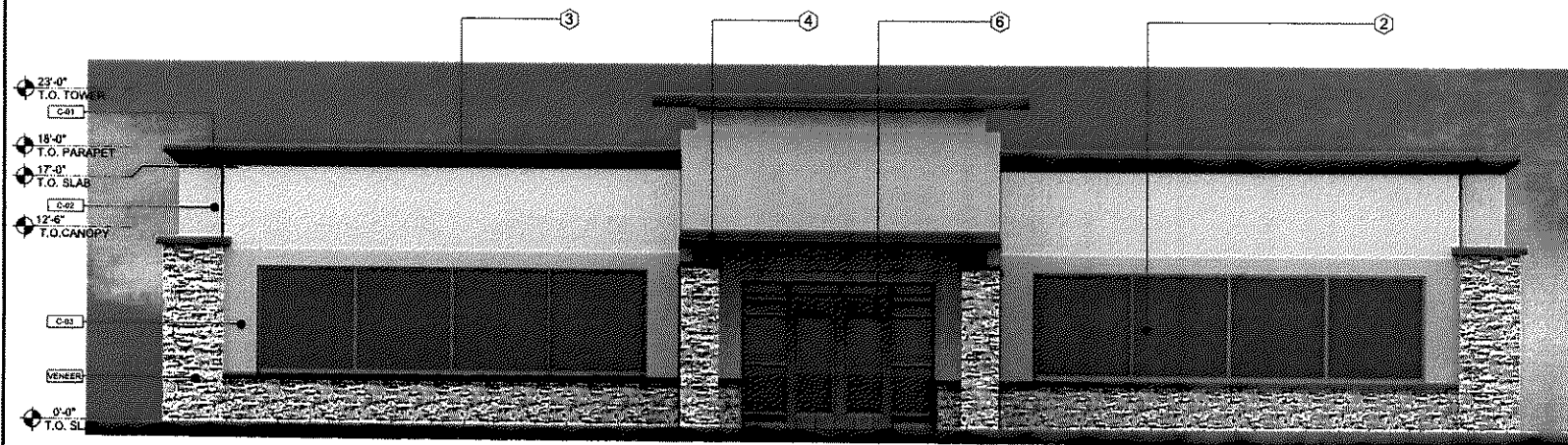
VENEER: CULTURED STONE VENEER DRESSED SIMILAR COLOR

EXTERIOR PAINTS

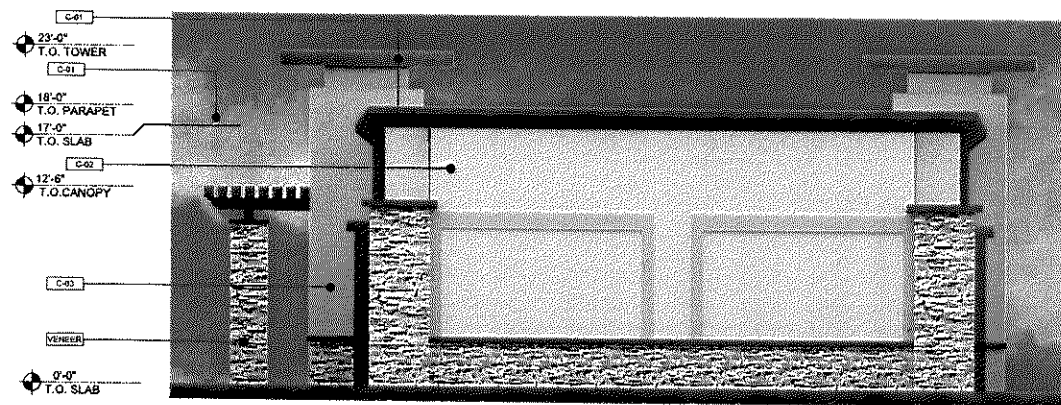
- | | |
|------|--|
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ICI # 80TR 13/325 |
| C-02 | COLOR: SPRING MAGNOLIA
ICI # 45TY 72238 |
| C-03 | COLOR: MOON STRUCK
ICI # 30TY 33423 |
| C-04 | COLOR: BROWN BAG
ICI # 10TY 35136 |

CHANDI GROUP USA 94-480 1871 AVE MECCA, CA 92254 Phone 714.396.0260 Fax 714.396.1315							
NO.	DATE	REVISED	BY	DATE	REVISED	BY	DATE
CHANDI GROUP RETAIL CENTRE VISALIA, CA 93292							
CHANDI GROUP USA 94-480 1871 AVE MECCA, CA 92254 Phone 714.396.0260 Fax 714.396.1315							
CHANDI GROUP USA 94-480 1871 AVE MECCA, CA 92254 Phone 714.396.0260 Fax 714.396.1315							





 SOUTH ELEVATION



 EAST ELEVATION

 FAST FOOD

KEYED NOTES:

1. SIGNAGE
2. ALUMINUM STOREFRONT SYSTEM
3. CORNICE MOLDING
4. CANOPY
5. SERVICE DOOR AND FRAME
6. ALUMINUM STOREFRONT ENTRANCE DOORS
7. STEEL SHUTTER OPENING FOR UNLOADING

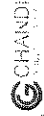
EXTERIOR FINISHES

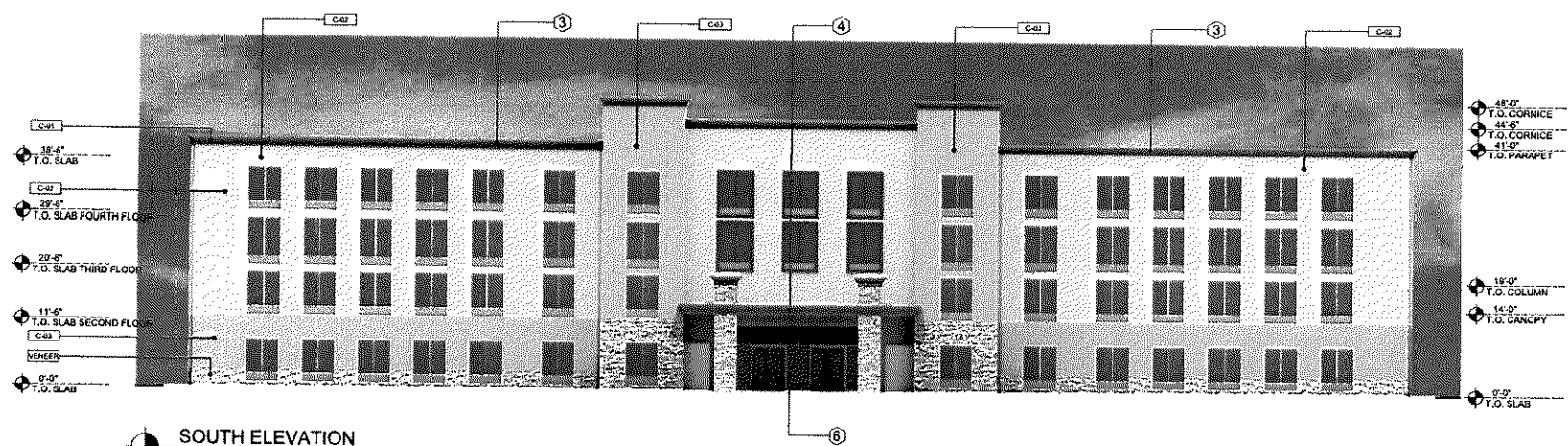
STUCCO: - 7/8" SAND FINISH STUCCO (PORTLAND CEMENT PLASTER) OVER METAL LATH PROVIDE CONTROL JOINTS AS REQUIRED

VENEER: - CULTURED STONE VENEER DRESSED SIMILAR COLOR

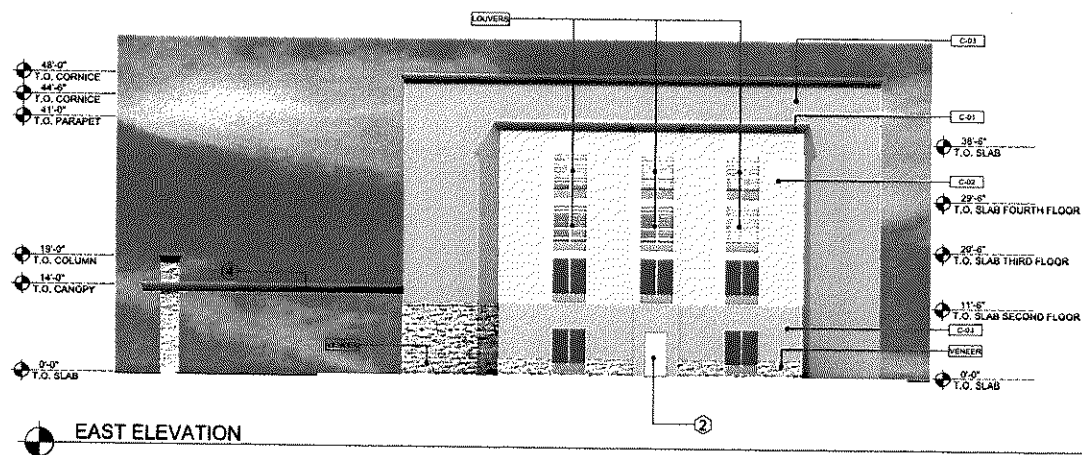
EXTERIOR PAINTS

- | | |
|-------------|---|
| C-01 | COLOR: CHEST NUT
ICI # 80YR 13/305 |
| C-02 | COLOR: SPRING MAGNOLIA
ICI # 45YY 72/230 |
| C-03 | COLOR: MOON STRUCK
ICI # 20YY 53/423 |
| C-04 | COLOR: BROWN BAG
ICI # 10YY 35/198 |

CHANDI GROUP USA	
9485 8400 E VISALIA, CA 93292 Phone: 180.365.5262 Fax: 760.365.5245	 CHANDI GROUP USA
NO. _____ DATE _____ BY _____ REVISIONS _____ NO. _____ DATE _____ BY _____ REVISIONS _____	CHANDI GROUP RETAIL CENTRE VISALIA, CA 93292
PROJECT: _____ DRAWN BY: _____ CHECKED BY: _____ DATE: _____	



SOUTH ELEVATION



EAST ELEVATION

HOTEL

- KEYED NOTES:**

1. SIGNAGE
2. EMERGENCY EXIT
3. CORNICE MOLDING
4. CANOPY
5. SERVICE DOOR AND FRAME
6. ALUMINUM FRONT ENTRANCE DOOR
7. ALUMINUM BACK DOOR

EXTERIOR FINISHES

STUCCO: - 7/8" SAND FINISH STUCCO (PORTLAND CEMENT PLASTER) OVER METAL LATH PROVIDE CONTROL JOINTS AS REQUIRED

VENEER:- CULTURED STONE VENEER DRESSED SIMILAR
COLOR

LOUVERS:- METAL LOUVERS

EXTERIOR PAINTS

- | | |
|------|--|
| C-01 | COLOR: CHEST NUT
ICI # 88YR 13/325 |
| C-02 | COLOR: SPRING MAGNOLIA
ICI # 45Y 72/230 |
| C-03 | COLOR: MOON STRUCK
ICI # 20Y 53/423 |
| C-04 | COLOR: BROWN BAG
ICI # 10Y 35/196 |

CHANDI GROUP USA

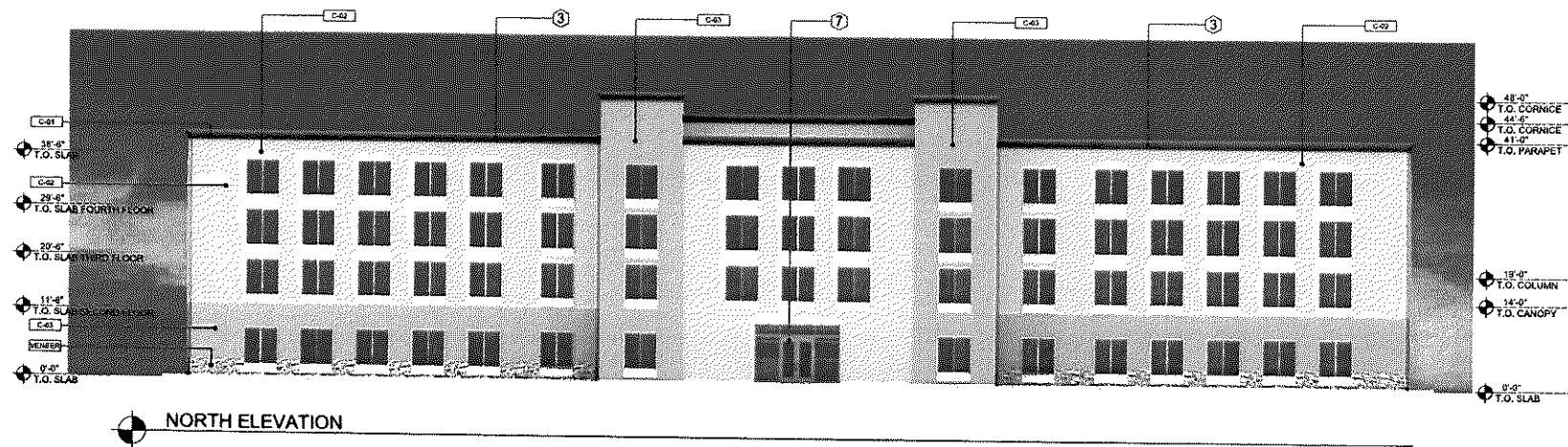
G CHANDI
GROUP USA

800-480-
168TH AVE
CHANDI COA CA 97254
Phone: 760.396.9260
Fax: 760.396.9265

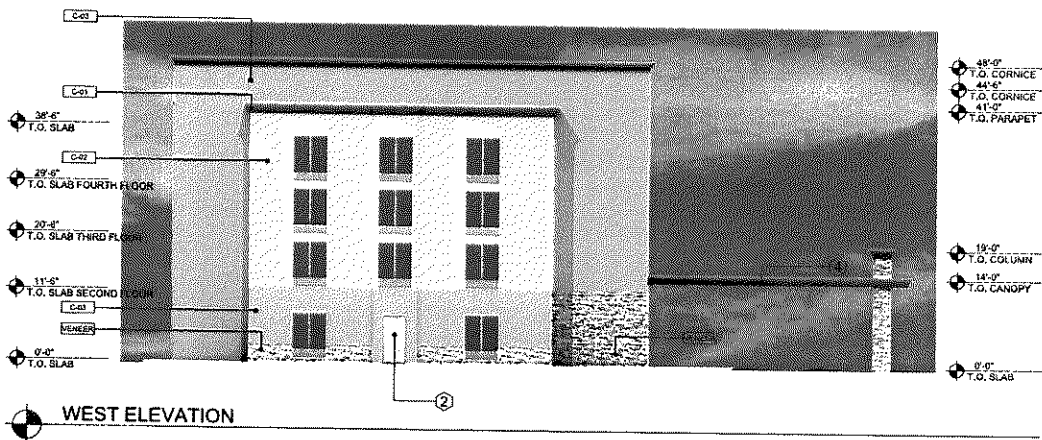
[illegible]

CHANDI GROUP RETAIL CENTRE
VISALIA, CA 93292

COMPANY NAME	
ADDRESS	
PHONE 1	PHONE 2
PHONE 3	PHONE 4
FACILITY NAME	
FACILITY ADDRESS	
FACILITY PHONE	



NORTH ELEVATION



WEST ELEVATION

KEYED NOTES:

1. SIGNAGE
2. EMERGENCY EXIT
3. CORNICE MOLDING
4. CANOPY
5. SERVICE DOOR AND FRAME
6. ALUMINUM FRONT ENTRANCE DOOR
7. ALUMINUM BACK DOOR

EXTERIOR FINISHES

STUCCO:- 7/8" SAND FINISH STUCCO (PORTLAND CEMENT PLASTER) OVER METAL LATH PROVIDE CONTROL JOINTS AS REQUIRED

VENEER:- CULTURED STONE VENEER DRESSED SIMILAR COLOR

EXTERIOR PAINTS

- | | |
|------|---|
| C-01 | COLOR: CHEST NUT
ICI # 801R 13/325 |
| C-02 | COLOR: SPRING MAGNOLIA
ICI # 45YY 72/210 |
| C-03 | COLOR: MOON STRUCK
ICI # 20YY 53/423 |
| C-04 | COLOR: BROWN BAG
ICI # 10TY 35/116 |

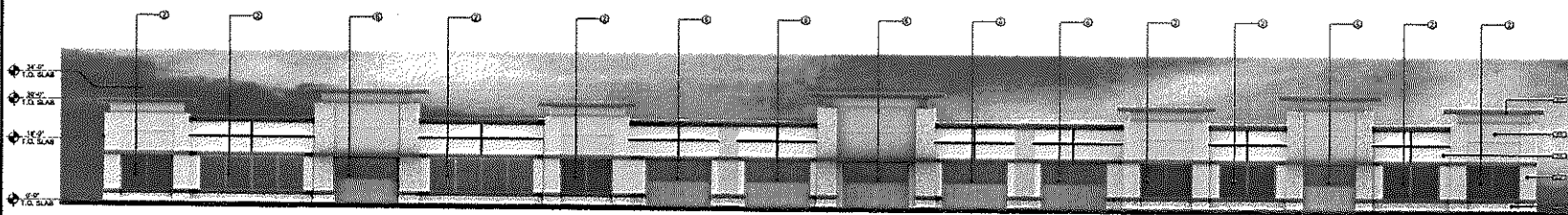
HOTEL

CHANDI GROUP USA
CHANDI
98440
4071 AVE
MILWAUKEE, WI 53224
Phone 760.306.5960
Fax 760.306.5215

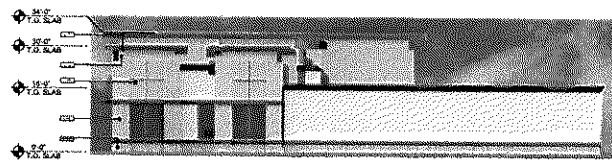
CHANDI GROUP RETAIL CENTRE
VISALIA, CA 93292

DATE: 09/10/10
DRAWN BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]
PROJECT NO: [Blank]
SHEET NO: [Blank]

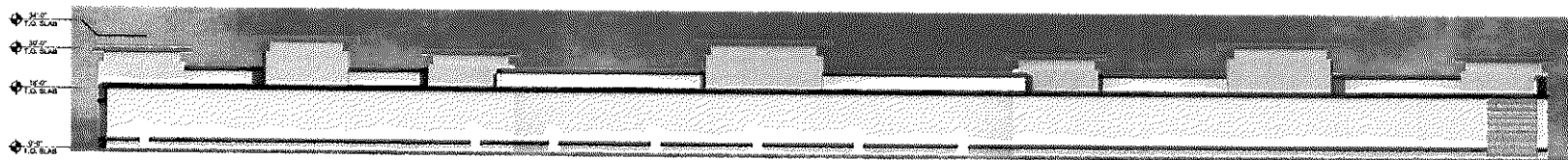
01/01



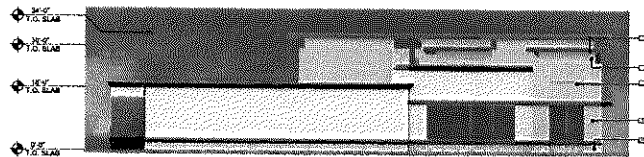
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

RETAIL

KEYED NOTES:

1. SIGNAGE
2. ALUMINUM STOREFRONT SYSTEM
3. CORONEL MOLDING
4. CLAYDIP
5. SERVICE DOOR AND FRAME
6. ALUMINUM STOREFRONT ENTRANCE DOORS
7. STEEL SHUTTER OPENING FOR UNLOADING

EXTERIOR FINISHES

STUCCO - 1st SAND FINE STUCCO PORTLAND CEMENT PLASTER OVER METAL LATH PROVIDE CONTRAL JUMPS AS REQUIRED

VENEER - CULTURED STONE VENEER DRESSED SIMILAR

COLOR

- EXTERIOR PAINTS**
- C-01 COLOR: LIMEST. PAINT
 - C-02 COLOR: SPRING MADONIA
 - C-03 COLOR: MOON STRUCK
 - C-04 COLOR: BROWN SAGE

CHANDI GROUP USA
90-4402
86TH AVE
MEECA CA 93204
Phone: 760.396.0360
Fax: 760.396.0345

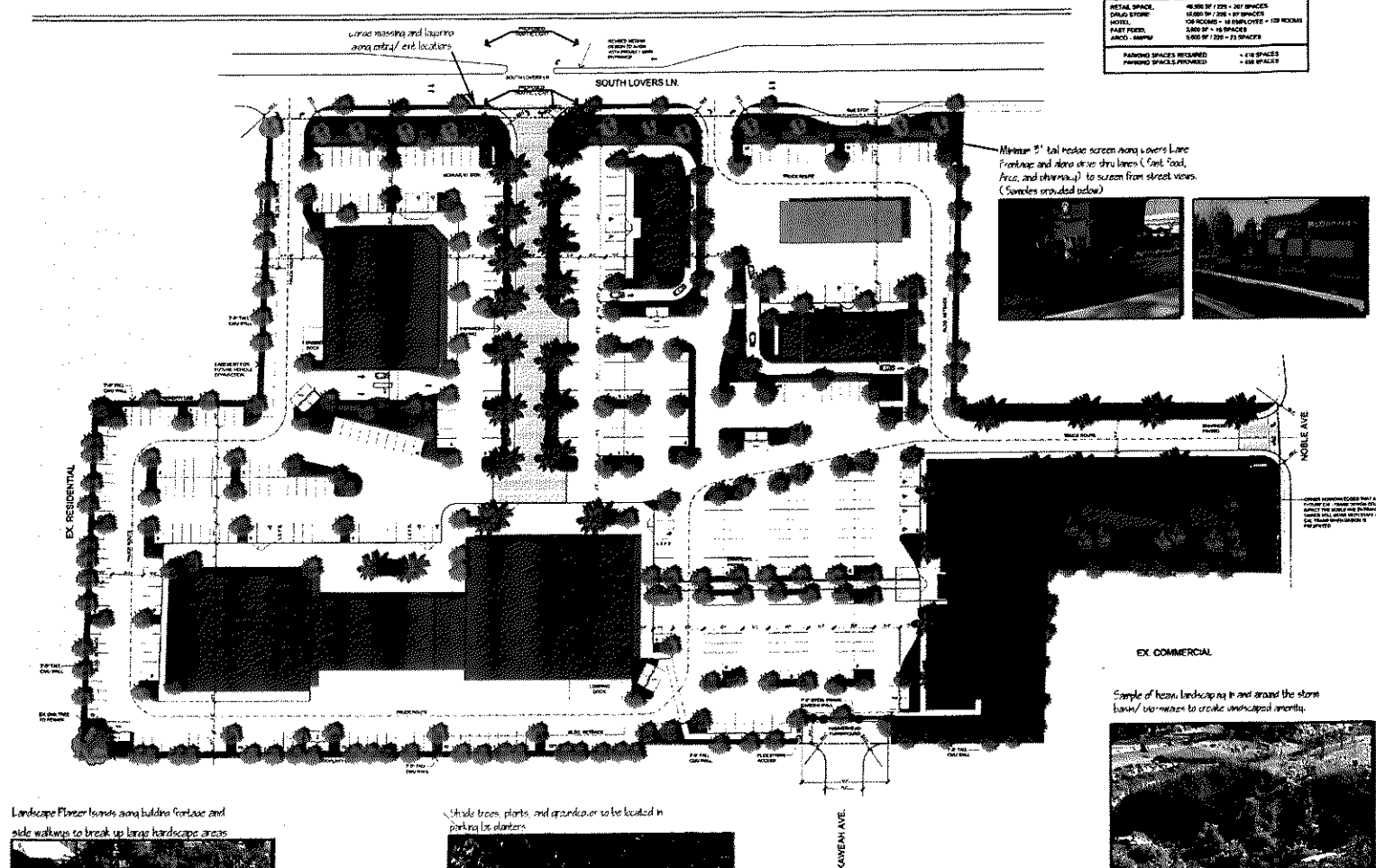
REV	DATE	BY	CHK	APP

CHANDI GROUP RETAIL CENTRE
VISALIA, CA 93292

DESIGNED BY	CHANDI GROUP USA
DRAWN BY	CHANDI GROUP USA
CHECKED BY	CHANDI GROUP USA
APPROVED BY	CHANDI GROUP USA
DATE	



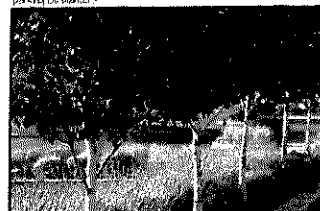
PARKING CALCULATION	
RETAIL SPACE:	46,000 SF / 225 = 207 SPACES
DRUG STORE:	10,000 SF / 225 = 44 SPACES
HOTEL:	100 ROOMS = 10 EMPLOYEES = 100 ROOMS
PAVING FEED:	1000 SF = 10 SPACES
AVOID. JAMING:	1000 SF / 225 = 4.4 SPACES
PARKING SPACES REQUIRED:	416 SPACES
PARKING SPACES PROVIDED:	416 SPACES



Landscape Planter Islands along building frontage and side walkways to break up large landscape areas



Shade trees, plants, and groundcover to be located in parking lot planters



EX. COMMERCIAL

Sample of heavy landscaping in and around the storm drain/curb-walkways to create unobscured amenity.



CONCEPTUAL LANDSCAPE PLAN

CHANDI RETAIL MASTER PLAN

1" = 40'-0"



CHANDI GROUP
RETAIL CENTER

EAST NOBLE & S LOVERS LANE
VISALIA, CA 93202

MASTER PLAN

SCALE: 1" = 40'-0"

INSTRUMENTS OF SERVICE
These drawings are the property of Presi • Vuksic Architects and shall remain the property of Presi • Vuksic Architects. They are not to be reproduced or used in any way without the written consent of Presi • Vuksic Architects.

DAVID G. PREST, AIA, CARR
JOHN A. VUKSIC, AIA, CARR

REVISIONS

213138

3/12/2014

A1.1

CHANDI GROUP RETAIL CENTER

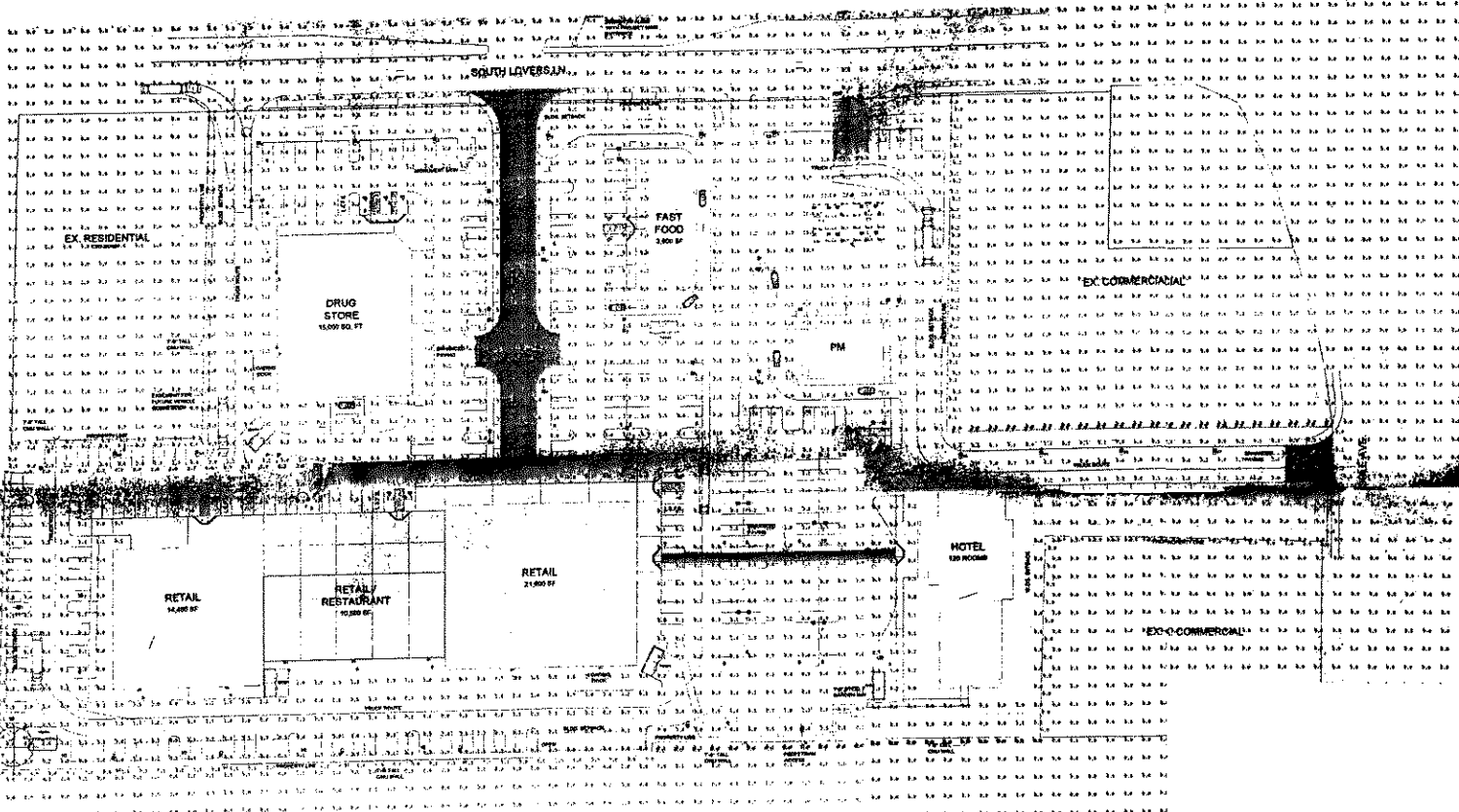
PHOTOMETRIC PLAN

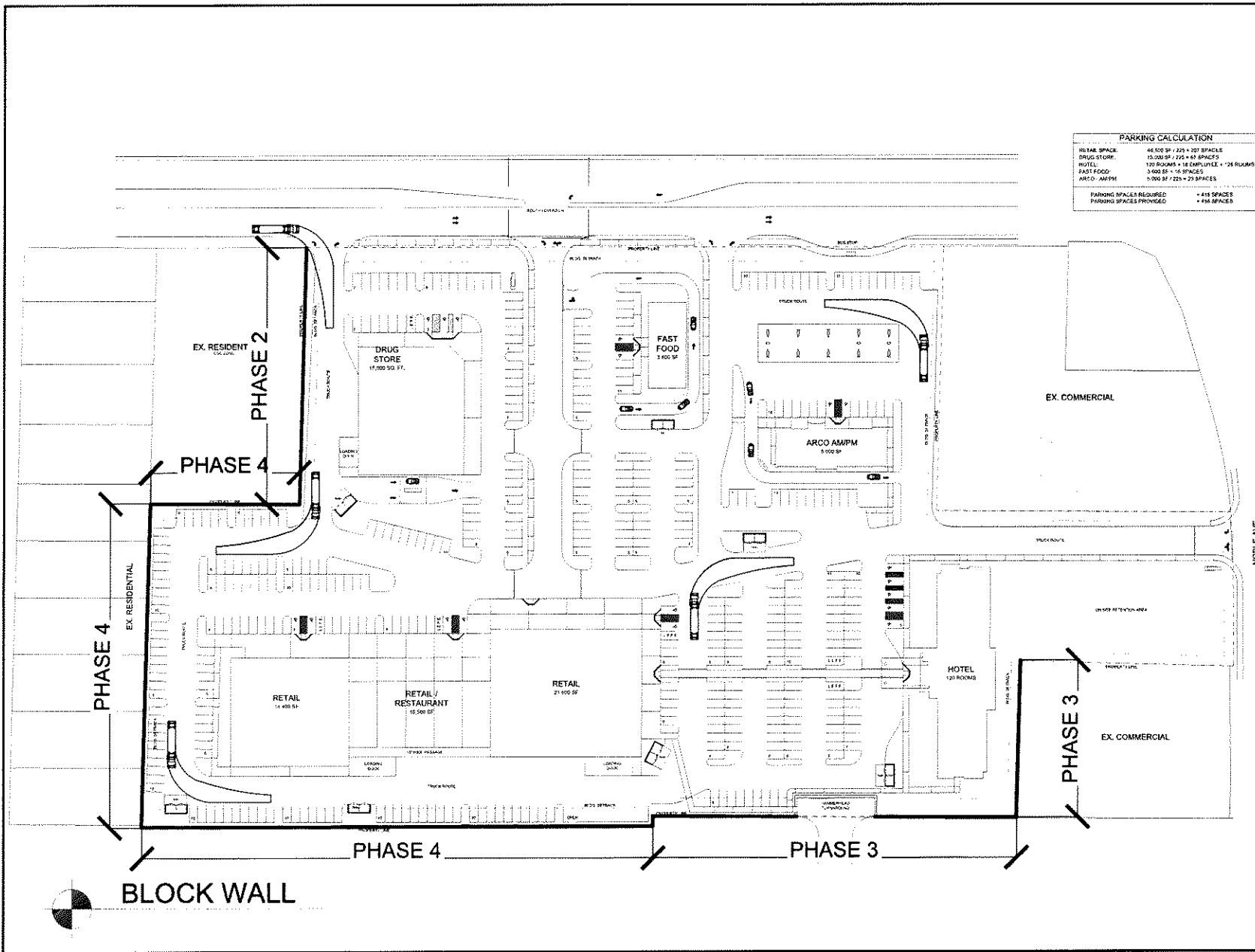
CRU-SC-LED
LED CANOPY LIGHT - LEGACY



CROSSOVER

XASU
LED Crossover Area Light





PARKING CALCULATION	
RETAIL SPACE	44,900 SF / 225 = 201 SPACES
DRUG STORE	17,000 SF / 225 = 76 SPACES
HOTEL	120 ROOMS x 10 EMPLOYEES x 125 ROOMS
FAST FOOD	3,600 SF / 15 SPACES
ARCO AMPM	5,000 SF / 225 = 22 SPACES
PARKING SPACES REQUIRED	416 SPACES
PARKING SPACES PROVIDED	416 SPACES

CHANDI GROUP USA		90490	
86TH AVE		NECCA, CA 93254	
CHANDI GROUP USA, INC.		Phone: 760.396.5250	
		Fax: 760.396.5245	
BY	DATE	REVISIONS	
CHANDI GROUP RETAIL CENTRE		VISALIA, CA 93292	
DESIGNED BY	DATE	REVISIONS	
CHECKED BY	DATE	REVISIONS	
APPROVED BY	DATE	REVISIONS	
SHEET NAME			



OPERATIONAL STATEMENT: CHANDI GROUP COMMERCIAL RETAIL CENTER

APN's: 101-030-025, 026, 027, & 028 (12 acres)

The proposed Chandi Group Commercial Retail Center includes an Arco am/pm fuel service station and convenience store (open 24 hours/7 days a week), fast food restaurant, drug store/pharmacy, 70,000 square foot commercial retail, and a 120 room hotel to be located at the southeast area of Noble Avenue and Lovers Lane in Visalia, CA. We also are proposing that Parcel 4 to be developed as a retail pad in the future during phase 4. A site plan for this pad would be submitted at that time if the opportunity arises for this parcel to be developed. The project is being proposed to be constructed in the following phases:

1st Phase: Arco fuel (10 pumps) service station, am/pm convenience store, sandwich shop and fast food restaurant

2nd Phase: Drug store/pharmacy

3rd Phase: Hotel

4th Phase: Retail commercial Center

The drug store/pharmacy, fast food restaurant, and Arco am/pm service station propose a drive-thru lane with the buildings for efficient transactions. The Arco am/pm service station and fast food pad will utilize the drive thru facilities as quick serve restaurants (QSR) and will be used frequently. Vehicle stacking from the pickup window shall be a minimum of 10 car lengths to prevent vehicle stacking in the parking lot drive aisles. The Arco am/pm will also include the fueling station component to the project and will be located in the center of the parcel. Fuel dispensers will be state-of-art that will accept both cash and debit payments for fueling without having to enter the store. Fueling trucks will enter into the project site from the Noble Avenue entrance, refill tanks on site, and exit onto Lovers Lane to allow for efficient truck movements through the project site. The drug store/pharmacy drive thru will be used for prescription pickup and will be utilized less frequently than the QSR drive thru's. Due to the close proximity of existing residential units, loading and unloading hours will be restricted and in accordance with the City requirements for Phase 4 retail buildings and Phase 2 drug store. The blockwall along the property lines will also be developed with each phase and will mitigate for any noise impacts from the loading and unloading for businesses.



The exterior of the drive thru aisles will include heavy landscaping and a minimum of a 3' hedge to soften the appearance of the drive thru aisles and provide for a more aesthetically appealing design. Landscaping will also be planted along the building between the drive aisle curb and the building to lessen hardscape areas of the drive aisles.

The landscape and internal road maintenance at a minimum will be included in a common area maintenance (CAM) agreement with all tenants/owners within the Chandi Retail Center. A fee schedule will be determined based on area owned/leased and fees/maintenance will be managed by a property management group.

The proposed drive-thru's will be included as part of the Conditional Use Permit application and will be submitted as a Master Plan Development.

4-23-14

APR 2014

Planning Commission

In regards to the CHANDI GROUP
RETAIL CENTER on Howers Lane.

I have lived in this area for the past 50+ years I seen many changes, and deterioration. Driving on Howers Lane is a nightmare - the road practically jerks my steering wheel out of my hand.

I don't know if you are aware of how many trucks, semis, buses, Garbage trucks, agriculture haulers, use this area.

The group wants yet another service station (already 2 immediately there) and market (next door to 7-11 & across from a grocery - & a strip mall. You seriously need to take a look at the traffic situation -

Much as have wanted something done at this "field" I don't think this much building can be handled for traffic.

Sorry this is hand written, my computer is confusing me & not running the way I want!

Hopefully - Joyce Elliott
15076 Ave. 312
Vinalia, Ca 93292

PA 798-4223

(over)



June 18, 2025

Site Plan Review No. 2025-122:

Pursuant to Zoning Ordinance Chapter 17.28 the Site Plan Review process has found that your application complies with the general plan, municipal code, policies, and improvement standards of the city. A copy of each Departments/Divisions comments that were discussed with you at the Site Plan Review meeting are attached to this document.

Based upon Zoning Ordinance Section 17.28.070, this is your Site Plan Review determination. However, your project requires a Tentative Parcel Map & Conditional Use Permit which is stated on the attached Site Plan Review comments. You may now proceed with filing your permit to the Planning Division.

This is your Site Plan Review Permit; your Site Plan Review became effective **May 28, 2025**. A site plan review permit shall lapse and become null and void one year following the date of approval unless, prior to the expiration of one year, a building permit is issued by the building official, and construction is commenced and diligently pursued toward completion.

If you have any questions regarding this action, please call the Community Development Department at (559) 713-4359.

Respectfully,

Paul Bernal
Planning and Community Preservation Director
315 E. Acequia Ave.
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments



VISALIA

Planning & Community Preservation Department
Planning Division

MEETING DATE 05/28/2025

SITE PLAN NO. 2025-122

Enclosed for your review are the comments and decisions of the Site Plan Review committee. Please review all comments since they may impact your project.

☐ **RESUBMIT** Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.

☐ During site plan design/policy concerns were identified, schedule a meeting with
☐ Planning ☐ Engineering prior to resubmittal for Site Plan Review.

☐ Solid Waste ☐ Parks and Recreation ☐ Fire Dept.

☒ **REVISE AND PROCEED** (see below)

☐ A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.

☐ Submit plans for a building permit between the hours of 7:30 a.m. and 5:00 p.m., Monday through Thursday, offices closed on Fridays.

☒ Your plans must be reviewed by:

☐ CITY COUNCIL

☐ REDEVELOPMENT

☒ PLANNING COMMISSION

☐ PARK/RECREATION

☒ TPM & CUP

☐ HISTORIC PRESERVATION

☐ OTHER:

☐ **ADDITIONAL COMMENTS:**

If you have any questions or comments, please call the Site Plan Review Hotline at (559) 713-4440

SITE PLAN REVIEW COMMENTS

Colleen A. Moreno, Planning Division, (559) 713-4031; colleen.moreno@visalia.city

Date: May 28, 2025

SITE PLAN NO: 2025-122
PROJECT: 700 S LOVERS LANE
DESCRIPTION: PARCEL RECONFIGURATION OF EXISTING SHOPPING CENTER
APPLICANT: MARK H CHAPPELL
ADDRESS: 700 S LOVERS LANE
APN: 101-030-033
ZONING: C-MU (MIXED USE COMMERCIAL)
GENERAL PLAN: COMMERCIAL MIXED USE

Planning Division Recommendation:

- ☒ Revise and Proceed
☐ Resubmit

Project Requirements

- Tentative Parcel Map
- Conditional Use Permit

PROJECT SPECIFIC INFORMATION: May 28, 2025

1. A Tentative Parcel Map (TPM) shall be required.
2. Per VMC 17.19.060, a Conditional Use Permit (CUP) shall be required for the creation of parcels less than the minimum site area of five (5) acres and without street frontages.
3. With TPM & CUP submittal, a site plan, proposed development plan, and operational statement shall be provided.
4. A shared parking and access agreement shall be recorded for all sites within the development.
5. The TPM shall depict all existing and proposed easements.
6. It is recommended that the TPM be filed concurrently with any Conditional Use Permit requests applicable to the development.

Note:

1. The applicant shall contact the San Joaquin Valley Air Pollution Control District to verify whether additional permits are required through the District.
2. Prior to a final for the project, a signed Certificate of Compliance for the MWELO standards is required indicating that the landscaping has been installed to MWELO standards.

Applicable sections of the Visalia Municipal Code, Title 17 (Zoning):

- 17.19 Mixed Use Zones
- 17.30 Development Standards
- 17.32.080 Maintenance of landscaped areas
- 17.34 Off-street parking and loading facilities

Accessible at https://codelibrary.amlegal.com/codes/visalia/latest/visalia_ca/0-0-0-33310

NOTE: Staff recommendations contained in this document are not to be considered support for a particular action or project unless otherwise stated in the comments. The comments found on this document pertain to the site plan submitted for review on the above referenced date. Any changes made to the plan submitted must be submitted for additional review.

Signature: _____



**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

<input type="checkbox"/>	Edelma Gonzalez	713-4364
<input checked="" type="checkbox"/>	Luqman Ragabi	713-4362
<input type="checkbox"/>	Sarah MacLennan	713-4271
<input type="checkbox"/>	Jesus Carreno	713-4268

ITEM NO: 1 DATE: MAY 28, 2025

SITE PLAN NO.:	25-122
PROJECT TITLE:	700 S LOVERS LANE
DESCRIPTION:	PARCEL RE-CONFIGURATION OF EXISTING SHOPPING CENER
APPLICANT:	MARK H CHAPPELL
PROP OWNER:	TULARE COUNTY MINIMART LLC
LOCATION:	700 S LOVERS LANE
APN:	101-030-030

SITE PLAN REVIEW COMMENTS

- ☒ REQUIREMENTS (indicated by checked boxes)
- ☐ Install curb return with ramp, with _____ radius;
- ☐ Install curb; ☐ gutter
- ☐ Drive approach size: _____ ☐ Use radius return;
- ☐ Sidewalk: _____ width; ☐ parkway width at _____
- ☒ Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- ☐ Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- ☐ Right-of-way dedication required. A title report is required for verification of ownership.
- ☐ Deed required prior to issuing building permit;
- ☒ **City Encroachment Permit Required. FOR ANY WORK NEEDED WITHIN PUBLIC RIGHT-OF-WAY**
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
- ☐ CalTrans Encroachment Permit required. ☐ CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- ☐ Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- ☒ Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- ☒ Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. ☒ Prepared by registered civil engineer or project architect. ☒ All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) ☒ directed to the City's existing storm drainage system; b) ☐ directed to a permanent on-site basin; or c) ☐ directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: _____ : _____ maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- ☒ Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- ☐ Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .20%, V-gutter = 0.25%)
- ☒ Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- ☒ All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
- ☐ Traffic indexes per city standards:

- ☐ Install street striping as required by the City Engineer.
- ☐ Install landscape curbing (typical at parking lot planters).
- ☐ Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- ☐ Design Paving section to traffic index of 5.5 min. for solid waste truck travel path.
- ☐ Provide "R" value tests: each at
- ☐ Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- ☐ Access required on ditch bank, 15' minimum ☐ Provide wide riparian dedication from top of bank.
- ☐ Show Valley Oak trees with drip lines and adjacent grade elevations. ☐ Protect Valley Oak trees during construction in accordance with City requirements.
- ☐ A permit is required to remove Valley Oak trees. Contact Public Works Admin at 713-4428 for a Valley Oak tree evaluation or permit to remove. ☐ A pre-construction conference is required.
- ☐ Relocate existing utility poles and/or facilities.
- ☐ Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- ☐ Subject to existing Reimbursement Agreement to reimburse prior developer:
- ☐ Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- ☐ If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- ☐ If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.

☐ Comply with prior comments. ☐ Resubmit with additional information. ☐ Redesign required.

Additional Comments:

- 1. Coordinate with City staff for City parcel map requirements and processing fees.**
- 2. Maintain/update the existing reciprocal access easement in favor of all parcels.**
- 3. Development Impact fees vary. Fees due at time of building permit issuance.**
- 4. Plan check and inspection fees apply due at time of building permit issuance.**
- 5. The City is currently working with the developer to acquire easements for pedestrians and street lights. These can be established with the proposed parcel map.**

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **25-122**

Date: **5/28/20255**

Summary of applicable Development Impact Fees to be collected at the time of building permit:

(Preliminary estimate only! Final fees will be based on the development fee schedule in effect at the time of building permit issuance.)

(Fee Schedule Date: **08/17/2024**)

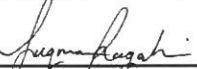
(Project type for fee rates: **Map**)

☐ Existing uses may qualify for credits on Development Impact Fees.

FEE ITEM	FEE RATE
<input checked="" type="checkbox"/> Groundwater Overdraft Mitigation Fee	TBD
<input checked="" type="checkbox"/> Transportation Impact Fee	TBD
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	TBD
<input checked="" type="checkbox"/> Treatment Plant Fee	TBD
<input checked="" type="checkbox"/> Sewer Front Foot Fee	TBD
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	TBD
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	TBD
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	TBD
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	TBD
<input checked="" type="checkbox"/> Public Facility Impact Fee	TBD
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

- 1.) No reimbursement shall be made except as provided in a written reimbursement agreement between the City and the developer entered into prior to commencement of construction of the subject facilities.
- 2.) Reimbursement is available for the development of arterial/collector streets as shown in the City's Circulation Element and funded in the City's transportation impact fee program. The developer will be reimbursed for construction costs and right of way dedications as outlined in Municipal Code Section 16.44. Reimbursement unit costs will be subject to those unit costs utilized as the basis for the transportation impact fee.
- 3.) Reimbursement is available for the construction of storm drain trunk lines and sanitary sewer trunk lines shown in the City's Storm Water Master Plan and Sanitary Sewer System Master Plan. The developer will be reimbursed for construction costs associated with the installation of these trunk lines.



Luqman Ragabi

City of Visalia
Building: Site Plan
Review Comments

SR 25122
PARCEL RE-CONFIGURATION
700 S LOVER LANE

NOTE: These are general comments and DO NOT constitute a complete plan check for your specific project
Please refer to the applicable California Code & local ordinance for additional requirements.

- ☐ A building permit will be required. *For information call (559) 713-4444*
- ☐ Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- ☐ Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- ☐ Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:
- ☐ Meet State and Federal requirements for accessibility for persons with disabilities.
- ☐ A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- ☐ All accessible units required to be adaptable for persons with disabilities.
- ☐ Maintain sound transmission control between units minimum of 50 STC.
- ☐ Maintain fire-resistive requirements at property lines.
- ☐ A demolition permit & deposit is required. *For information call (559) 713-4444*
- ☐ Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (661) 392-5500*
- ☐ Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- ☐ Project is located in flood zone _____ * ☐ Hazardous materials report.
- ☐ Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*
- ☐ School Development fees.
- ☐ Park Development fee \$_____, per unit collected with building permits.
- ☐ Additional address may be required for each structure located on the site. *For information call (559) 713-4320*
- ☐ Acceptable as submitted
- ☒ No comments at this time

Additional comments: _____

VAL GARCIA 05/28/25
Signature

**Site Plan Comments**

Visalia Fire Department
Corbin Reed, Fire Marshal
420 N. Burke
Visalia CA 93292
559-713-4272 office
prevention.division@visalia.city

Date	May 28, 2025
Item #	1
Site Plan #	25122
APN:	101030030

- The Site Plan Review comments are issued as **general overview** of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2022 California Fire Code (CFC), 2022 California Building Codes (CBC) and City of Visalia Municipal Codes.
- Fire protection items are not required to be installed for **parcel map or lot line adjustment** at this time; however, any developments taking place on these parcels will be subject to fire & life safety requirements including fire protection systems and fire hydrants in accordance with all applicable sections of the California Fire Code.



Corbin Reed
Fire Marshal



City of Visalia
Police Department
303 S. Johnson St.
Visalia, CA 93292
(559) 713-4370

Date: 05/27/25
Item: 1
Site Plan: SPR25122
Name: Jeff Dowling

Site Plan Review Comments

- ☒ No Comment at this time.
- ☐ Request opportunity to comment or make recommendations as to safety issues as plans are developed.
- ☐ Public Safety Impact Fee:
Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
Effective date - August 17, 2001.
- ☐ Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure of improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.
- ☐ Not enough information provided. Please provide additional information pertaining to:
- ☐ Territorial Reinforcement: Define property lines (private/public space).

- ☐ Access Controlled/ Restricted etc.

- ☐ lighting Concerns:

- ☐ Traffic Concerns:

- ☐ Surveillance Issues:

- ☐ Line of Sight Issues:

- ☐ Other Concerns:

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

May 28, 2025

ITEM NO: 1 Added to Agenda MEETING TIME: 09:00
SITE PLAN NO: [SPR25122](#) ASSIGNED TO: Colleen Moreno Colleen.Moreno@visalia.city
PROJECT TITLE: 700 S. Lovers Lane
DESCRIPTION: Parcel Re-configuration of existing shopping center
APPLICANT: Mark H Chappell - Applicant
APN: 101030030

THE TRAFFIC DIVISION WILL PROHIBIT ON-STREET PARKING AS DEEMED NECESSARY

- ☒ No Comments
- ☐ See Previous Site Plan Comments
- ☐ Install Street Light(s) per City Standards at time of development.
- ☐ Install Street Name Blades at Locations at time of development.
- ☐ Install Stop Signs at **local road intersection with collector/arterial** Locations.
- ☐ Construct parking per City Standards PK-1 through PK-4 at time of development.
- ☐ Construct drive approach per City Standards at time of development.
- ☐ Traffic Impact Analysis required (CUP)
 - ☐ Provide more traffic information such as . Depending on development size, characteristics a TIA may be required.
- ☐ Additional Traffic information required (non-discretionary).
 - ☐ Trip Generation – Provide documentation as to concurrence with General Plan.
 - ☐ Site Specific – Evaluate access points and provide documentation of conformance with COV standards. If noncomplying, provide explanation.
 - ☐ Traffic Impact Fee (TIF) Program – Identify Improvements needed in concurrence with TIF.

Additional Comments:

•

Leslie Blair

Leslie Blair

CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4532
COMMERCIAL BIN SERVICE

25122

May 28, 2025

- ☐ No comments.
- ☒ See comments below
- ☐ Revisions required prior to submitting final plans. See comments below.
- ☐ Resubmittal required. See comments below.
- ☐ Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers
- ☒ ALL refuse enclosures must be city standard R-1 OR R-2 & R-3 OR R-4
- ☒ Customer must provide combination or keys for access to locked gates/bins
- ☒ Type of refuse service not indicated.
- ☐ Location of bin enclosure not acceptable. See comments below.
- ☐ Bin enclosure insufficient to comply with state recycling mandates. See comments for suggestions.
- ☐ Inadequate number of bins to provide sufficient service. See comments below.
- ☐ Drive approach too narrow for refuse trucks access. See comments below.
- ☐ Area not adequate for allowing refuse truck turning radius of : Commercial 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.
- ☐ Paved areas should be engineered to withstand a 55,000 lb. refuse truck.
- ☒ Bin enclosure gates are required
- ☐ Hammerhead turnaround must be built per city standards.
- ☐ Cul - de - sac must be built per city standards.
- ☐ Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.
- ☒ Area in front of refuse enclosure must be marked off indicating no parking
- ☒ Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS) with no less than 38' clear space in front of the bin, included the front concrete pad.
- ☐ Customer will be required to roll container out to curb for service.
- ☒ Must be a concrete slab in front of enclosure as per city standards, the width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.
- ☐ Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.
- ☒ City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.

☐ Comment
Solid Waste has no comments regarding the proposed parcel reconfiguration but does want to remind the customer that each parcel will require an assigned triple (R1/R2 & R3/R4) enclosures set for STAB load collections. When submitting building plans the customer is to call out all triple enclosures, and any roll off/compactor services planned for the site. Property owner to complete and submit a City of Visalia "Concrete/Driveway Release of Liability Waiver Agreement".

Jason Serpa, Solid Waste Manager, 559-713-4533
Edward Zuniga, Solid Waste Supervisor, 559-713-4338

Nathan Garza, Solid Waste, 559-713-4532



CALIFORNIA WATER SERVICE

Visalia District 216 North Valley Oaks Drive
Visalia, CA 93292 Tel: (559) 624-1600

Site Plan Review Comments From:

California Water Service
Scott McNamara, Superintendent
216 N Valley Oaks Dr.
Visalia, CA 93292
559-624-1622
smcnamara@calwater.com

Date: 05/28/2025

Item #: 1

Site Plan #: 25-122

Project: 700 S Lovers Lane

Description: Parcel Reconfiguration

Applicant: Mark Chappell

APN: 101-030-030

Address: 700 S Lovers Lane

The following comments are applicable when checked:

- ☐ No New Comments
- ☐ Pulled from agenda

☒ Water Mains

Comments:

- ☒ - Water main fronting your project; if the existing water main is not sufficient in size to meet your service demands, an upsize in water main will be required. This will be done at the developer's expense.
- ☐ - No existing water main fronting this project

☒ Water Services

Comments:

- ☐ - Existing service(s) at this location.
 - ☐ - Domestic/Commercial
 - ☐ - Irrigation
 - ☐ - Fire Protection

The following will be paid for by the property owner/developer:

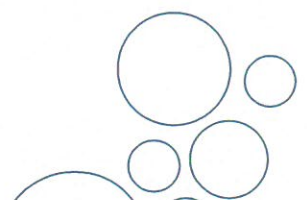
- Any additional services for the project.
- Relocation of any existing service that is to land within a new drive approach.
- Abandonment of any existing service that is not utilized.
- If the existing service(s) is not sufficient in size to meet the customer's demand:
 - Installation of a new service and the abandonment of the insufficient size service.

- ☒ - Service(s) will need to be installed for this project.

☒ Fire Hydrants

Comments:

- Fire hydrants will be installed per the Visalia Fire Departments requirements.
- If new fire hydrants are required for your project off an existing water main:
 - Cal Water will utilize our own contractor (West Valley) for the installation.
 - This work is to be paid for by the property owner/developer.





CALIFORNIA WATER SERVICE

☒ **Backflow Requirements**

Comments:

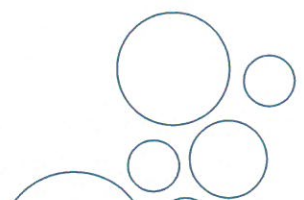
A backflow is required if any parcel meets any of the following parameters:

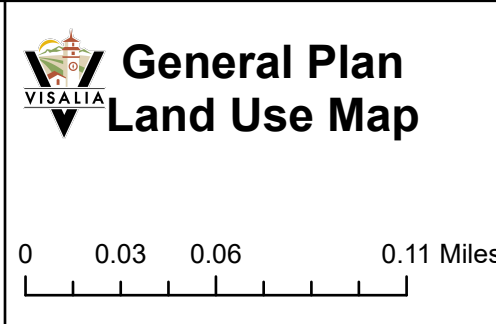
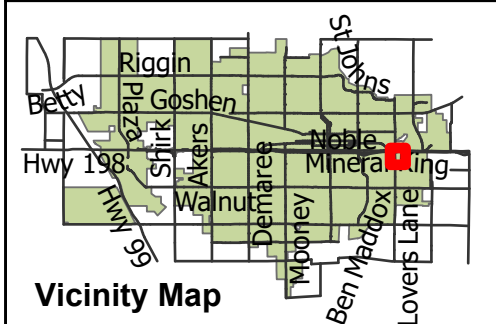
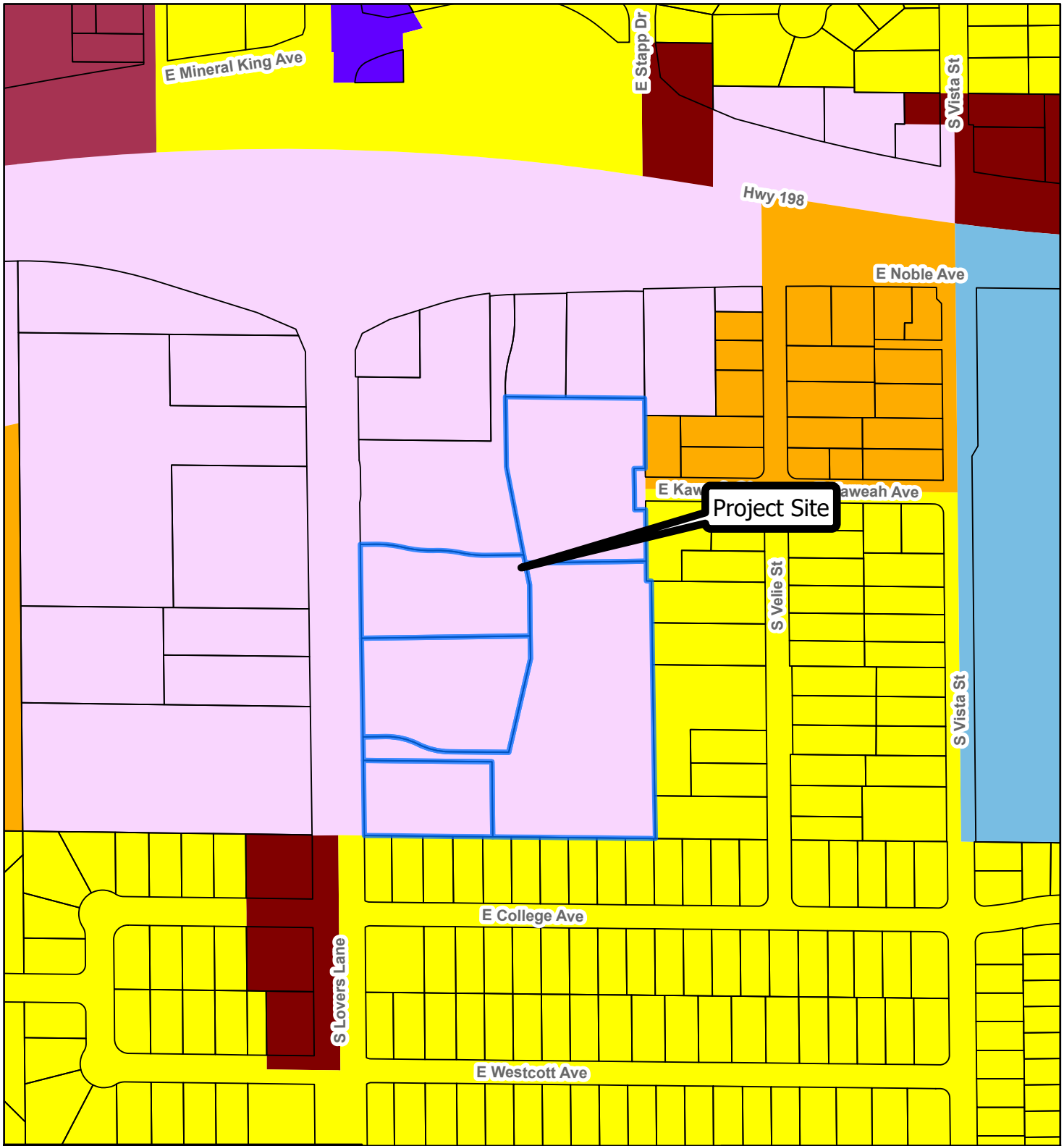
- Designated as multi-family
- Commercial building
- Has multiple dwellings (residential or commercial)
- Has multiple services
 - Any combination of the following:
 - Domestic/Commercial
 - Irrigation
 - Fire Protection

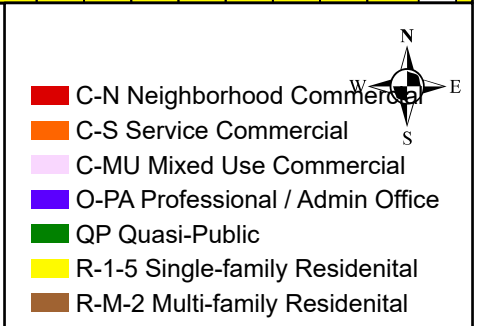
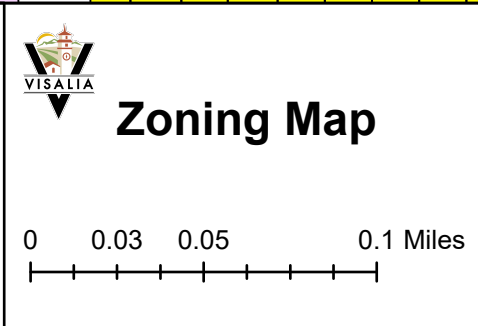
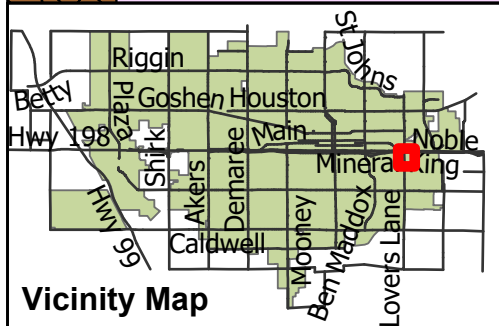
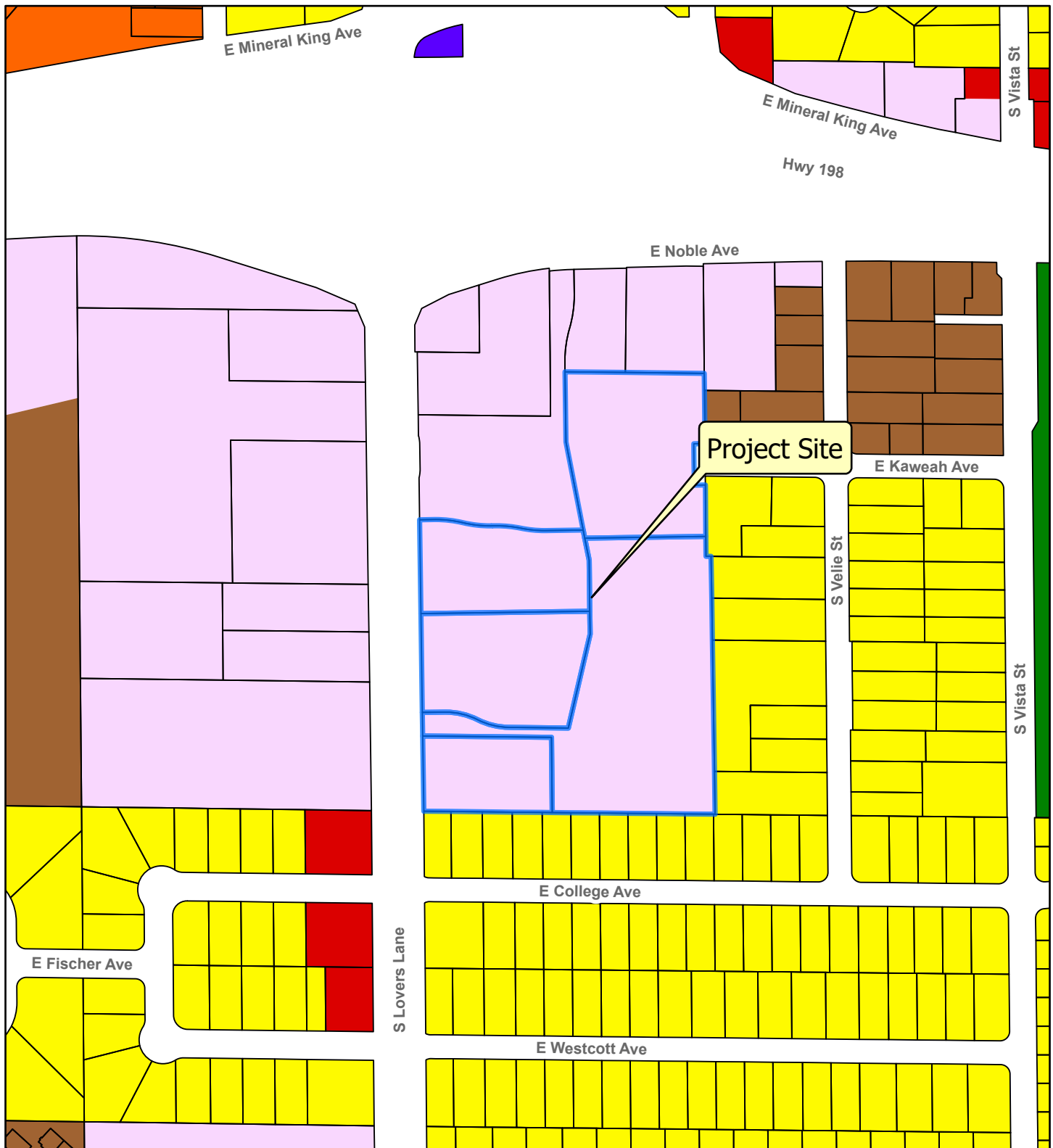
Please contact Cross Connection Control Specialist Juan Cisneros at 559-624-1670 or visaliabackflow@calwater.com for a backflow install packet.

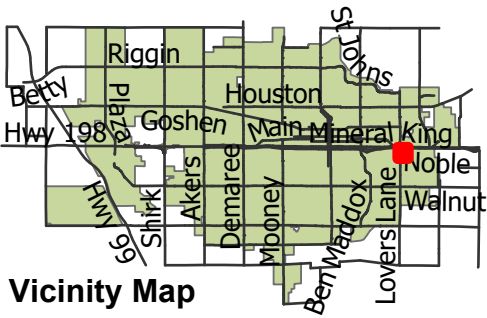
Additional Comments:

- ☒ If your project requires the installation of Cal Water facilities, please contact New Business Superintendent Allison Schackmann at 559-624-1621 or aschackmann@calwater.com to receive your new business packet to start your project with Cal Water.
- ☐ A WSA may be required for your project. These requirements come from Senate Bill 610.
- ☐ Cal Water may work with the developer to purchase a piece of property for a future tank site and/or a new source of water.
- ☒ If Cal Water infrastructure is to be installed on private property, a dedicated easement will be required for our infrastructure.
- ☒ If you need to request existing utility information, please contact Construction Superintendent Scott McNamara at smcnamara@calwater.com for the information and requirements needed to obtain this information.
- ☒ If a fire flow is needed for your project, please contact Distribution Superintendent Alex Cardoso at 559-624-1661 or lcardoso@calwater.com for information and requirements.
- ☒ If you need a construction meter for your project, please call our Operations Center at 559-624-1650.
- ☐ If you need to sign up for an existing service, please call 559-624-1600.





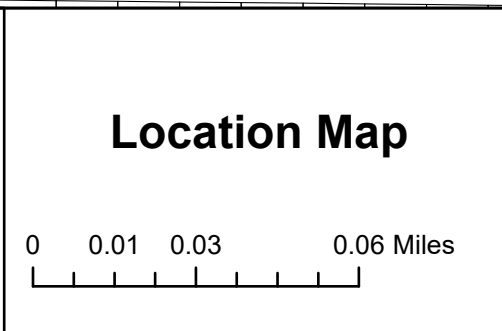
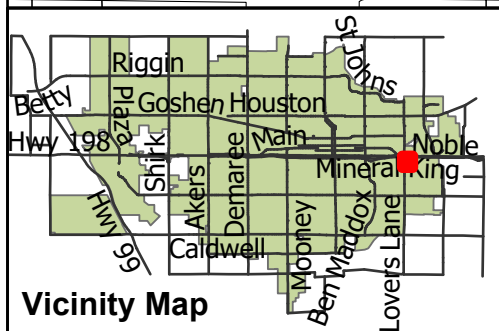




Aerial Map

0 0.02 0.04 0.08 Miles







REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: September 22, 2025

PROJECT PLANNER: Brandon Smith
Phone: (559) 713-4636
E-Mail: brandon.smith@visalia.com

SUBJECT: Zoning Text Amendment No. 2025-03: A request by the City of Visalia to amend Visalia Municipal Code Title 17 (Zoning Ordinance), as to implement Program 5.8 contained in the City of Visalia 6th Cycle Housing Element of the General Plan. The regulations will apply Citywide to properties within the city limits of the City of Visalia.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2025-31, recommending that the City Council approve adoption of Zoning Text Amendment No. 2025-03. This recommendation is based on the findings contained therein and summarized as follows:

- The Zoning Text Amendment is consistent with the adopted programs of the Housing Element General Plan.
- The Zoning Text Amendment will bring the City's Zoning Ordinance into compliance with State housing law.
- The Zoning Text Amendment is consistent with the goals, objectives, and policies of the City's General Plan.

RECOMMENDED MOTION

I move to recommend that the City Council approve Zoning Text Amendment No. 2025-03, based on the findings and conditions in Resolution No. 2025-31.

PROJECT DESCRIPTION AND BACKGROUND

Zoning Text Amendment (ZTA) No. 2025-03 is a city-initiated request to implement Zoning Ordinance text amendments that stem from last year's adoption of the 6th cycle 2023-2031 Housing Element Update. The Housing Element was adopted by the City Council on December 18, 2023, and subsequently found by State Housing and Community Development (HCD) to be in full compliance with state Housing Element law. Following adoption, the Housing Element is implemented through a series of implementation programs.

The proposed ZTA represents the second series of changes being undertaken to remove constraints to a variety of housing types and ensure compliance with State law. Specifically, this ZTA responds to implementation program 5.8 that the Element identified to be completed by December 31, 2025, with Items B and H being discussed with the City Council and Planning Commission at the August 19, 2025, joint meeting. The amendments listed in the implementation program are:

- A. Allow transitional and supportive housing by-right in the O-C (Office Conversion) zone.
- B. Regarding emergency shelters, reduce development standards related to proximity to other emergency shelters, schools, and low barrier navigation centers to 300 feet, remove additional setback and perimeter wall requirements, and require only parking

sufficient to meet the needs of facility employees but not more than what is required of residential or commercial uses in the same zone.

- C. Allow accessory dwelling units (ADUs) by-right in all zones allowing residential uses, in compliance with State law. The City will defer to State ADU and Junior ADU law until a compliant ADU Ordinance is adopted.
 - Note: This amendment was required to be completed immediately upon Housing Element adoption, and therefore was previously completed through ZTA No. 2024-05.
- D. Allow for at least two dwelling units per lot in all R-1 (Single-family Residential) zones (R-1-20, R-1-12.5, and R-1-5) consistent with SB 9.
 - Note: This amendment was incorporated into the ADU Ordinance which was previously completed through ZTA No. 2024-03.
- E. Provide streamlined ministerial review and a preliminary application process in compliance with SB 330 and SB 35. Copies of these two bills are provided as Exhibits “C” and “D”.
- F. Permit large residential care facilities with objectivity and certainty in all residential zones, subject only to the same requirements of residential uses of similar form in the same zones.
- G. Adopt reduced parking standards for affordable multi-family developments and multi-family projects with small units (single-room occupancy, studio, and 1-bedroom units) of no more than one parking stall per unit.
- H. Permit low barrier navigations centers by-right (without conditional use or other discretionary permit) in non-residential zones permitting residential uses.
- I. Reduce lot size requirements in the R-M (Multi-family Residential), C (Commercial), C-MU (Commercial Mixed Use), and D-MU (Downtown Mixed Use) zones (no more than one acre in the C-MU zone and no more than 20,000 square feet in the C and D-MU zones) to remove constraints to multi-family housing development and promote affordability.
- J. Provide a ministerial process for approving reasonable accommodation requests, including objective findings for approval, limited to decision-making criteria regarding fundamental alteration of zoning and land use and financial and administrative burden.

The amendments being completed under this program are all being done only for the purpose of bringing the City’s Ordinance into compliance with State law. These amendments do not implement changes that are in any way more restrictive or relaxed than existing State law and do not go above and beyond State law. Additionally, the City Council will need to adopt these changes or face penalties if the state determines that the City is not making changes to bring its Ordinance(s) into compliance with State law, including the risk of having the City’s Housing Element fall out of compliance, and losing the ability for future housing grant opportunities.

Implementation program 5.8 is a list of updates which have a requirement to be completed within two years of the Housing Element adoption. Additional ZTAs to implement remaining implementation programs for more complex updates to the Zoning Ordinance will be implemented prior to the end of 2025, and roughly each year through 2031 through one or more separate ZTA processes in each year. Each ZTA allows for the code changes to be vetted publicly through the public hearing process.

The entire Housing Element can be accessed at the following link:

https://www.housevisalia.com/images/docs/VHEGP_HE_Compliant_2024-09-25.pdf

PROJECT ANALYSIS

A. Allow transitional and supportive housing by-right in the O-C (Office Commercial) zone.

State law requires local jurisdictions to permit transitional and supportive housing as a residential use in all multi-family and mixed-use zones where residential uses are allowed and are not subject to any restrictions not imposed on similar residential dwellings (i.e., single-family, multi-family) of the same type in the same zone. The City of Visalia is in compliance with State law, allowing transitional and supportive housing where other residential uses are allowed with no additional restrictions not imposed on similar residential dwellings, except in the O-C zone where transitional and supportive housing requires a Conditional Use Permit but allows residential units as a mixed-use in an existing building containing one or more commercial or office uses by-right. As a result, Implementation Program 5.8 commits the City to amend its Zoning Ordinance to allow transitional and supportive housing by-right in the O-C zone.

Staff recommendation: Staff recommends the amendment as described in the Housing Element.

Recommended Changes to Zoning Ordinance:

- Chapter 17.25: Uses In the Commercial, Mixed Use, Office, and Industrial Zones will be amended as follows:
 - Transitional housing and Supportive housing will be listed as permitted by-right, if meeting State law regarding the definition of Transitional and Supportive Housing (Government Code Sections 65650 – 65656)

Commercial, Mixed Use, Office, and Industrial Zones Use Matrix											
P = Use is Permitted by Right C = Use Requires Conditional Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed											
USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
RESIDENTIAL (see also Residential Zones)											
Transitional Housing and Supportive Housing as those terms are defined in City Ordinance Section 17.04.030	C	C	C	P* /C	P* /C	C	P* /C	C	C	C	*If meeting criteria stated in Cal. GC Sections 65650 - 65656

B. Update to Emergency shelters provisions as contained in Title 17 (Zoning), related to the following:

- **Reduce development standards related to proximity to other emergency shelters, schools, and low barrier navigation centers to 300 feet,**
- **Remove additional setback and perimeter wall requirements, and**
- **Require only parking sufficient to meet the needs of facility employees but not more than what is required of residential or commercial uses in the same zone.**

State law, as amended per Assembly Bill (AB) 2339 in 2022, places new requirements on the regulation of emergency shelters and limits the types of standards that shelters shall be subject to. Although the City of Visalia created performance standards for emergency shelters, which were adopted by ZTA No. 2021-07 on April 18, 2022, in response to an implementation program of a prior cycle (i.e. 5th cycle) of the Housing Element, the new law under AB 2339 limits the types of standards that emergency shelters shall be subject to. This means that certain performance standards from the 2022 Zoning Text Amendment must be revised or removed. The specific standards to be changed are listed in Implementation Program 5.8 as well as Implementation Program 5.2 for Emergency Shelters. The performance standards to be revised were discussed at the Joint City Council / Planning Commission Work Session held on August 19, 2025.

Note: Implementation Program 5.2 further requires the City to identify one or more zones where emergency shelters are allowed as a permitted use without a conditional use permit. This topic was also discussed at the Joint Work Session held on August 19, 2025, and will be processed as a separate Zone Text Amendment before the end of 2025.

Staff recommendation: Staff recommends the amendments to proximity, setback / wall requirements, and parking, as described in Implementation Programs 5.2 and 5.8 of the Housing Element. Staff further recommends the amendment to the definition of emergency shelter as described in Implementation Program 5.2.

Recommended Changes to Zoning Ordinance:

- Chapter 17.04: Definitions; Section 17.04.030: Definitions
 - Revise definition for Emergency shelter to include the following: *For purposes of this definition, “emergency shelter” shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.*
- Chapter 17.32: Special Provisions; Section 17.32.130: Emergency Shelters
 - Amend parking standards in Section 17.32.130(D)(2) to require only the number of parking spaces sufficient for all staff working in the facility and no more than what is required of residential and commercial uses in the same zone. (Compliance with GC §65583(a)(4)(B)(ii)) The code will be changed to require one (1) vehicle parking space per employee.

Bicycle parking provisions would remain unchanged, reading as follows:

A covered and secured area for bicycle parking shall be provided for use by staff and clients. commensurate with demonstrated need, but no less than a minimum of eight (8) bike parking spaces.

- Amend Section 17.32.130(C)(1) and (C)(2) to reduce the minimum proximity to other emergency shelters, schools, or low barrier navigation centers from 1,000 feet to 300 feet in compliance with GC §65583(a)(4)(B)(v). The site development standard regarding distances from a front property line of any existing dwelling unit will also be removed.

- Amend Section 17.32.130(C)(3) to remove the requirement that shelters incorporate a seven-foot perimeter wall on any sides abutting residential uses in compliance with GC §65583(a)(4)(B), since this requirement is not on the list of allowable objective standards that local governments can impose. The entire section will be removed.

C. Allow accessory dwelling units (ADUs) by-right in all zones allowing residential uses, in compliance with State law. The City will defer to State ADU and Junior ADU law until a compliant ADU Ordinance is adopted.

This amendment was required to be completed immediately upon Housing Element adoption, and therefore was previously completed through Zoning Text Amendment No. 2024-05. Therefore, no further updates or changes are necessary.

D. Allow for at least two dwelling units per lot in all R-1 (Single-family Residential) zones (R-1-20, R-1-12.5, and R-1-5) consistent with SB 9.

This amendment was previously completed through Zoning Text Amendment No. 2024-03 associated with the adoption of an Accessory Dwelling Unit Ordinance in compliance with State law. Specifically, Section 17.12.060, pertaining to the allowed number of dwelling units per site in the R-1 zone designation, was amended to read as follows:

In the R-1 single-family residential zone, not more than one dwelling unit shall be located on each site notwithstanding Chapter 17.14 pertaining to accessory dwelling units, and notwithstanding California Government Code Section 65852.21(a) which allows two residential units on a site.

ZTA No. 2024-03 furthermore removed the conditional use permit requirement for duplexes on corner lots, since the change to State law from SB 9 allows a duplex by right.

Therefore, no further updates or changes are necessary.

E. Provide streamlined ministerial review and a preliminary application process in compliance with Senate Bill 330 and Senate Bill 35.

Senate Bill 330

In 2019, Senate Bill (SB) 330, the Housing Crisis Act of 2019, was signed into law, with a sunset date of January 1, 2025. Senate Bill 8, signed in 2021, extended SB 330's sunset date to January 1, 2030. The Act amends existing State laws and creates new regulations around the production, preservation and planning of housing. The goal of SB 330 is to create certainty in the development of housing projects, speeding up the review of projects, preserving affordable housing and preventing certain zoning actions that reduce the availability of housing.

SB 330 creates a new vesting process for discretionary housing projects. It achieves this through the creation of a new "preliminary application" process that establishes a new date for the purpose of locking projects into the ordinances, policies, and standards in effect when a preliminary application (including all required information) is submitted and deemed complete by the local jurisdiction. This vesting process does not apply to California Environmental Quality Act (CEQA) determinations, including historic resource determinations pursuant to CEQA.

Senate Bill 35

In 2017, Senate Bill 35 was signed into law, with a sunset date of January 1, 2026. Senate Bill 423, signed in 2023, extended SB 35's sunset date to January 1, 2036. This bill assists with streamlining ministerial approval processes applicable to local jurisdictions that have failed to issue building permits for its share of regional housing need by income category. Due to the City

of Visalia's insufficient progress toward lower income RHNA categories, it is subject to the streamlined ministerial approval process as defined in SB 35 for proposed multi-family developments with at least 50% affordability. The bill requires that qualifying multi-family housing developments on qualifying sites be approved as a ministerial action (i.e., no public hearings), regardless of the number of units, and without CEQA review. If a project is submitted and is following the parameters of SB 35, the City of Visalia must approve the project, subject to the ministerial process, within 90 to 180 days, depending on the number of units in the housing development.

At the time of Housing Element review, the City of Visalia was out of compliance since it did not have any described ministerial approval process or "preliminary application" process pertaining to either SB 330 or SB 35. As a result, Program 5.8 commits the City to establish a ministerial process to streamline the design and approval of by-right multi-family units in compliance with SB 330 and create a new preliminary application process that establishes a date for the purposes of locking projects into the ordinances, policies, and standards in effect when a preliminary application is submitted and deemed complete.

In response, staff has prepared separate SB 330 and SB 35 preliminary draft applications, which also outline the City's approval process for ministerial development under these bills. In regards to SB 35, this application identifies all of the eligibility requirements that a project must meet in order to qualify under this State provision. Copies of the draft preliminary applications are included as Exhibits "A" and "B". These materials will be made available to the public via the City's website once they are finalized. No changes to the Zoning Ordinance are necessary in coordination with this effort.

Note: Since SB 35 streamlines the development of multi-family projects regardless of the number of units, the City plans to prepare and adopt objective design standards (ODS) for multi-family development. The adoption of multi-family ODS is further called out as an objective in Housing Element Implementation Programs 1.3 and 3.2 to assist with streamlining the construction of multi-family residential development, and must be completed in 2026.

F. Permit large residential care facilities with objectivity and certainty in all residential zones, subject only to the same requirements of residential uses of similar form in the same zones.

State law requires residential care facilities with six or fewer persons to be allowed by-right in all residential zones. The City of Visalia allows residential care facilities with six or fewer persons by-right in the following zones: A (Agriculture), OS (Open Space), R-1-20, R-1-12.5, R-1-5, R-M-2, and R-M-3, in compliance with State law. In commercial, mixed-use, office and industrial zones, a conditional use permit is required for residential care facilities with six or fewer persons.

Large residential care facilities (facilities with seven or more persons) are allowed with a conditional use permit in all residential, commercial, office, mixed-use, and industrial zones. Review of the City's Housing Element determined that the use permit requirements are a potential constraint to the development of large residential care facilities in residential zones. As a result, Implementation Program 5.8 commits the City to amending its Zoning Ordinance to permit large residential care facilities with objectivity and certainty in all residential zones, subject only to the same requirements of residential uses of similar form in the same zones.

Staff recommendation: Currently the Zoning Ordinance does not provide a definition or any performance standards for residential care facilities, and the use of terminology to describe such facilities is inconsistent (for example, group home and foster home are interchangeable with residential care facility). Therefore, staff recommends adding a new definition for residential care facility with references to the State Health and Safety Code (Section 1500 et seq.), and differentiating "small" as for six or less persons and "large" as for more than six. Performance

standards would be added to provide objectivity to ensure that such uses, while still subject to the conditional use permit process, would be streamlined.

The recommended requirements for large residential care facilities are as follows:

- Locational Criteria.
 - Within one-half mile proximity to public transit facilities (fixed routes and bus or transit stops), or the provision of transportation for residents.
 - Not allowed within 300 feet of industrial facilities or the industrial zone (I).
 - Maintain a minimum 300-foot distance between large residential care facilities.
- Open Space. Open space for outdoor recreation shall be provided at a ratio of 100 square feet for each resident.
- Unit Size.
 - Single Occupancy. The minimum floor area for sleeping rooms shall not be less than 100 square feet in rooms intended for a single occupancy.
 - Multiple Occupancy. The minimum floor area for sleeping rooms shall not be less than 80 square feet per person in rooms intended for multiple occupancy.

Recommended Changes to Zoning Ordinance:

- Chapter 17.04: Definitions; Section 17.04.030: Definitions
 - Add new definitions for *Residential care facility, large* and *Residential care facility, small*. The definitions for this use are as follows:

“Residential care facility, large” means a community care facility licensed for the 24- hour care of 7 or more persons requiring personal services, supervision, protection, or assistance with daily tasks pursuant to the California Health and Safety Code Section 1500 et seq. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This definition does not include a rest home, sanatorium, boardinghouse, or lodging house.

“Residential care facility, small” means a licensed community care facility for the 24- hour care of 6 or fewer persons requiring personal services, supervision, protection, or assistance with daily tasks pursuant to the California Health and Safety Code Section 1500 et seq. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This definition does not include a rest home, sanatorium, boardinghouse, or lodging house.
- Chapters 17.08: Agriculture Zone, 17.10: Open Space Zone, 17.12 Single-family Residential zone, 17.16 Multi-family zone
 - Change use name from *Twenty-four (24) hour residential care facilities or foster homes* to *Residential care facility*.
- Chapter 17.25: Uses In the Commercial, Mixed Use, Office, and Industrial Zones
 - Change use name from *Group/Foster Homes, Licensed – 1-6 and more than 6 individuals in addition to residing family* to *Residential Care Facility, Small and Large*

- Chapter 17.32: Special Provisions; New Sections 17.32.145: Large residential care facilities and 17.32.147 Small residential care facilities
 - Create new sections which establish the purpose and applicable development standards. Refer to Resolution No. 2025-31 for full content regarding this new section.

G. Adopt reduced parking standards for affordable multi-family developments and multi-family projects with small units (single-room occupancy, studio, and 1-bedroom units) of no more than one parking stall per unit.

In accordance with State law, the Housing Element contains an analysis on governmental constraints toward the production of housing for all income levels. Since off-street parking often requires large amounts of land, parking requirements have potential to negatively impact the development of affordable housing and increase the cost of development, limiting the funds available for providing housing.

The Municipal Code requires 1.5 spaces per multi-family dwelling, and does not specify any reductions in parking spaces for affordable housing projects. This may be viewed as a constraint to the development of smaller, more affordable, multi-family housing types (single-room occupancy, studio, and 1-bedroom units).

Therefore, Program 5.8 commits the City to adopting reduced parking standards for affordable multi-family developments and multi-family projects with small units (single-room occupancy, studio, and 1-bedroom units) of no more than one parking stall per unit.

Staff recommendation: Staff recommends the amendment to reduce parking requirements from 1.5 spaces per unit to 1 space per unit for affordable or small units (single-room occupancy, studio, or 1-bedroom units). The recommended changes include waiving staff's or the Planning Commission's authority to require additional guest parking spaces toward such units.

Recommended Changes to Zoning Ordinance:

- Chapter 17.34: Off-street parking and loading facilities; Section 17.34.020: Schedule of off-street parking space requirements
 - Reduce parking requirements from 1.5 spaces per dwelling unit to 1 space per unit for affordable or small units, and waive authority to require additional guest parking spaces.

H. Permit low barrier navigations centers by-right (without conditional use or other discretionary permit) in non-residential zones permitting residential uses.

A low barrier navigation center (LBNC) is defined as a service-enriched shelter providing temporary living facilities, with the low-barrier component allowing persons to be admitted as they are with as few entry restrictions as possible. In Visalia, for example, the winter season warming center which has been operated at 701 East Race Avenue utilized a "low barrier" approach to admitting persons. With the passage of Assembly Bill 101 in 2019, a LBNC shall be permitted by-right in mixed use zones and in non-residential zones where multi-family uses are permitted. This includes the two mixed zone districts in Visalia: Downtown Mixed Use and Commercial Mixed Use.

Staff interpreted in the 2021 ZTA that since the City allows multi-family residential uses in any non-residential zone with a CUP, LBNCs by extension would be conditionally permitted in these zones (i.e. all Commercial, Office, and Industrial zones). However, upon review of the current Housing Element, it was determined that LBNCs must be allowed by-right in these zones as well.

Therefore, the current Housing Element includes Implementation Program No. 5.8 to amend all non-residential zones to allow LBNCs by-right.

Staff recommendation: Staff recommends that the line item found in the Zoning Ordinance's Zone Use Matrix for "Low Barrier Navigation Center" be amended to make the use permitted by-right in all Commercial and Mixed Use zones, Office zones, and Industrial zones, since all zones allow for multi-family residential uses as a conditionally allowed use.

Alternately, as explained by staff during the Joint Work Session of the Council and Commission held on August 19, 2025, an alternative path toward compliance with State law regarding LNBCs would be to amend the Zoning Ordinance's Zone Use Table to change one or more non-residential zones from allowing multi-family residential uses with a CUP to not allowed. This type of approach may have some impact on City practice since in the last 20+ years there have been occasional requests (averaging once every two years) for multi-family residential uses in non-residential zones. Zone districts that have the recipient of CUPs for multi-family uses have been the Downtown Mixed Use zone, Commercial Mixed Use zone, Regional Commercial zone, Neighborhood Commercial zone, and Office Professional/Administrative zone. By comparison, there has historically only been one request to allow a LBNC in the City (i.e. Visalia Navigation Center, which located in the Commercial Mixed Use). It should be further noted that three non-commercial zones - Downtown Mixed Use, Commercial Mixed Use, and Regional Commercial - contain sites on the Housing Element "RHNA" site inventory.

Recommended Changes to Zoning Ordinance:

- Chapter 17.25: Uses In the Commercial, Mixed Use, Office, and Industrial Zones
 - Table 17.25.030: Revise line item for low barrier navigation centers to be permitted by-right in all Commercial and Mixed Use zones, Office zones, and Industrial zones, if meeting criteria commencing in State G.C. Section 65650.

I. Reduce lot size requirements in the R-M (Multi-family Residential), C (Commercial), C-MU (Commercial Mixed Use), and D-MU (Downtown Mixed Use) zones (no more than one acre in the C-MU zone and no more than 20,000 square feet in the C and D-MU zones) to remove constraints to multifamily housing development and promote affordability.

The City of Visalia's R-M zones allow multi-family dwellings as a use permitted by-right, currently up to 80 units per site. While sites may be developed with multi-family dwellings as such, the City's development standards for the R-M zones state that the division of any R-M zoned property less than two acres shall be approved as a part of a conditional use permit. This standard may be considered as a constraint towards the development of multi-family residential opportunities by imposing a discretionary process on a use that would otherwise be a permitted by-right use. Furthermore, the standard implies that the development of such uses may be limited to only larger sites. As a result, Implementation Program 5.8 commits the City to amend its Zoning Ordinance to overcome this constraint.

The City's two Mixed Use zones – Commercial Mixed Use (C-MU) and Downtown Mixed Use (D-MU) – both allow for a wide range of land uses ranging from commercial and retail to office and residential. A minimum lot size of five acres is required in the C-MU zone. There is no minimum lot size requirement in the D-MU zone.

Also, the City has three Commercial zones – Neighborhood Commercial (C-N), Regional Commercial (C-R), and Service Commercial (C-S). Commercial zones allow multi-family residential development by conditional use permit. The C-N and C-R zones both have a minimum site area of five acres, while the C-S zone has a minimum site area of 5,000 square feet. However, Zoning Ordinance Section 17.30.015 still allows parcel sizes of less than the required minimum upon approval of an acceptable master plan by the site plan review team.

The Housing Element states that the five-acre minimum lot size poses a potential constraint to the development of affordable housing. Although the reduced minimum lot size would largely affect commercial uses since they are the predominant land use in these zones, staff does not have concern with the reduced lot sizes since lot sizes have generally not been an issue upon development if developed consistent with the purpose and intent in the General Plan and Zoning Ordinance.

Staff recommendation:

- R-M Zone: The Housing Element does not recommend a specific minimum lot size for the R-M zone. Therefore, staff recommends that the minimum site area be reduced to 6,000 square feet. This minimum site area is closer in range with the R-1-5 zone which generally has a minimum lot size of 5,000 square feet. This minimum size would allow no less than two units per site in the R-M-2 zone (based on the zone's density and description of one unit per 3,000 square feet site area) and no less than five units per site in the R-M-3 zone (based on the zone's density and description of one unit per 1,200 square feet site area). The ZTA would also remove the CUP requirement if divided into parcels less than two acres in size.
- C-MU Zone: Staff recommends the minimum lot size to no more than one acre in the C-MU zone, which is consistent with the maximum size recommended in the Element.
- D-MU Zone: No action recommended. Program 5.8's text erroneously directs the City to reduce lot size requirements in the D-MU zone; however, there currently is no minimum lot size requirement in the D-MU zone.
- C-N and C-R Zones: Staff recommends the minimum lot size to no more than 20,000 square feet in the C-N and C-R zones, which is consistent with the maximum size recommended in the Element.

Recommended Changes to Zoning Ordinance:

- Chapters 17.16 Multi-family zone, 17.18 Commercial zones, and 17.19 Mixed use zones
 - Change minimum site areas according to staff recommendation.

J. Provide a ministerial process for approving reasonable accommodation requests, including objective findings for approval, limited to decision-making criteria regarding fundamental alteration of zoning and land use and financial and administrative burden.

In 2017, the City adopted a Reasonable Accommodation section to the Zoning Ordinance, in fulfillment of Program 5.3 of the City's prior (5th cycle) Housing Element. The text addition, located in Section 17.42.050(C), simply states that *"no variance shall be required for structures or devices necessary to facilitate access to a building for persons with physical and non-physical disabilities."* Reasonable accommodation requests are currently approved at the staff level without requiring a public hearing or discretionary permit. To date, the City has never received a request for reasonable accommodation.

The City has not adopted a formal process or any required findings for approving reasonable accommodation requests which, according to the Housing Element, poses a potential constraint to providing accommodation. Program 5.8 commits the City to amend the Municipal Code to provide a ministerial process for approving reasonable accommodation requests, including objective findings for approval.

General practice among municipalities in California is to have a more comprehensive Reasonable Accommodation Ordinance within their Municipal Codes which describe the processing requirements for permits which include a reasonable accommodation request.

Staff has therefore researched and prepared a new ordinance that is based upon a model ordinance made available by Minter Harnish which is the planning consulting firm that was contracted by the City of Visalia Planning Division to help with preparing the 6th cycle Housing Element update. The general outline of the draft ordinance is comprised of the following sections: Purpose; Applicability; Procedure and ministerial review process; Objective findings for approval; Iterative process; Reviewing authority; and Appeals. The full text of the draft Reasonable Accommodation ordinance is provided in the attached Resolution No. 2025-31 and is listed under Chapter 17.02 General Provisions.

Staff recommendation: Staff recommends that a new comprehensive ordinance, which describes a ministerial process for application review and includes objective findings for approval, be added to the Zoning Ordinance, see attached Resolution No. 2025-31 for the full text.

Recommended Changes to Zoning Ordinance:

- Chapter 17.02: General Provisions, New Article 4: Reasonable Accommodation
 - Add new “Article 4. Reasonable Accommodation”, commencing at Section 17.02.250.

Environmental Review:

The requested action is considered exempt under Section 15061(b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA). A Notice of Exemption has been prepared for the project because Section 15061(b)(3) states that the project is exempted from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed text amendments, which largely pertain to expanding the scope of residential uses which are already allowed within the city, and are responding directly to requirements under State law, will not have a significant effect on the environment.

RECOMMENDED FINDINGS

1. That the Zoning Text Amendment is consistent with the intent of the General Plan and Zoning Ordinance and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, as described by the following:

Housing Element Policy 1.8 - The City shall continue to provide assistance by and access to City Staff, in person, by phone, or by email, so as to encourage increased public awareness and understanding of the City’s housing regulations, including opportunities for by-right development, and standards as they pertain to new construction.

Housing Element Policy 5.1 - The City shall encourage the development of housing for elderly, persons with disabilities, large families, families with female heads of household, families and persons in need of emergency shelter, and farmworkers, where compatible with surrounding land uses and where site conditions and service capabilities permit. Sites considered especially appropriate for these uses are those accessible to day care and transit, case management, commercial, and medical services.

Housing Element Policy 5.3 - The City shall encourage and facilitate private sector development and support non-profit organizations in the development of affordable housing, including rental assistance housing to very low, low, and moderate-income special needs households through the use of development incentives. The City shall

reduce or defer development review fees (as appropriate) to facilitate development of affordable housing for special needs groups.

Housing Element Policy 5.5 - The City shall facilitate and encourage the creation, by public or quasi-public agencies, of low-barrier emergency shelters, transitional housing, and permanent supportive housing in the community, and shall allow these uses as a by-right use in accordance with standards contained in its Zoning Ordinance.

Housing Element Policy 5.8 - The City shall work to remove governmental constraints to housing development.

2. That the Zone Text Amendment is consistent, where applicable, with portions of State law, including but not limited to Government Code Section 65000 et. seq.
3. The Zone Text Amendment will not have a negative impact on the City's housing stock, as the amendment will aid the development of sites listed on the City's sites inventory list for Visalia's Regional Housing Needs Allocation.
4. That applying the proposed Zone Code standards to future housing and residential uses will encourage increased housing options, including but not limited to affordable housing, throughout the City, as endorsed through the City of Visalia 2023-2031 Housing Element Update (6th Cycle Housing Element Update). These standards are designed to promote and ensure compatibility with adjacent land uses.
5. That the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) (common sense exemption) as the proposed zone text amendment will not in and of themselves have an effect on the environment, and that the affected sites will continue to allow for residential development consistent with the land use designations and the respective density ranges specified in the Visalia General Plan Land Use Element.

APPEAL INFORMATION

The Planning Commission's recommendation on the Zoning Text Amendment is advisory only and is automatically referred to the City Council for final action.

Attachments:

- Related Plans and Policies
- Notice of Exemption
- Resolution No. 2025-31
- Exhibit "A" – Senate Bill 330 Preliminary Application
- Exhibit "B" – Senate Bill 35 / Senate Bill 423 Preliminary Application
- Exhibit "C" – Full Text of Senate Bill 330
- Exhibit "D" – Full Text of Senate Bill 35

RELATED PLANS AND POLICIES

Zoning Ordinance [Title 17 of Visalia Municipal Code]

Chapter 17.44 ZONING AMENDMENTS

17.44.010 Purpose.

As a general plan for Visalia is put into effect, there will be a need for changes in zoning boundaries and other regulations of this title. As the general plan is reviewed and revised periodically, other changes in the regulations of this title may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this chapter. (Ord. 2017-01 (part), 2017: prior code § 7580)

17.44.020 Initiation.

A. A change in the boundaries of any zone may be initiated by the owner of the property within the area for which a change of zone is proposed or by his authorized agent. If the area for which a change of zone is proposed is in more than one ownership, all of the property owners or their authorized agents shall join in filing the application, unless included by planning commission resolution of intention.

B. A change in boundaries of any zone, or a change in a zone regulation, off-street parking or loading facilities requirements, general provision, exception or other provision may be initiated by the city planning commission or the city council in the form of a request to the commission that it consider a proposed change; provided, that in either case the procedure prescribed in Sections [17.44.040](#) and [17.44.090](#) shall be followed. (Ord. 2017-01 (part), 2017: prior code § 7581)

17.44.030 Application procedures.

A. A property owner or his authorized agent may file an application with the city planning commission for a change in zoning boundaries on a form prescribed by the commission and that said application shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property for which the change in zoning boundaries is proposed, the authorized agent of the owner, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
3. Address and legal description of the property;
4. The application shall be accompanied by such sketches or drawings as may be necessary to clearly show the applicant's proposal;
5. Additional information as required by the historic preservation advisory board.

B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of processing the application. (Ord. 2017-01 (part), 2017: prior code § 7582)

17.44.040 Public hearing—Notice.

The city planning commission shall hold at least one public hearing on each application for a change in zone boundaries and on each proposal for a change in zone boundaries or of a zone regulation, off-street parking or loading facilities requirements, general provisions, exception or other provision of this title initiated by the commission or the city council. Notice of the public

hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing. (Ord. 2017-01 (part), 2017: prior code § 7583)

17.44.050 Investigation and report.

The city planning staff shall make an investigation of the application or the proposal and shall prepare a report thereon that shall be submitted to the city planning commission. (Ord. 2017-01 (part), 2017: prior code § 7584)

17.44.060 Hearing.

A. At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is necessary to achieve the objectives of the zoning ordinance prescribed in Section [17.02.020](#).

B. If the commission's recommendation is to change property from one zone designation to another, the commission may recommend that conditions be imposed so as not to create problems adverse to the public health, safety and general welfare of the city and its residents. (Ord. 2017-01 (part), 2017: prior code § 7585)

17.44.070 Action of city planning commission.

The city planning commission shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section [17.02.020](#). The commission shall transmit a report to the city council recommending that the application be granted, conditionally approved, or denied or that the proposal be adopted or rejected, together with one copy of the application, resolution of the commission or request of the Council, the sketches or drawings submitted and all other data filed therewith, the report of the city engineer and the findings of the commission. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7586)

17.44.080 [Reserved].

17.44.090 Action of city council.

A. Upon receipt of the resolution or report of the city planning commission, the city council shall review the application or the proposal and shall consider the resolution or report of the commission and the report of the city planning staff.

B. The city council shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section [17.02.020](#). If the council finds that the change is required, it shall enact an ordinance amending the zoning map or an ordinance amending the regulations of this title, whichever is appropriate. The city council may impose conditions on the change of zone for the property where it finds that said conditions must be imposed so as not to create problems inimical to the public health, safety and general welfare of the city and its residents. If conditions are imposed on a change of zone, said conditions shall run with the land and shall not automatically be removed by a subsequent reclassification or change in ownership of the property. Said conditions may be removed only by the city council after recommendation by the planning commission. If the council finds that the change is not required, it shall deny the application or reject the proposal. (Ord. 2017-01 (part), 2017: prior code § 7587)

17.44.100 Change of zoning map.

A change in zone boundary shall be indicated on the zoning map. (Ord. 2017-01 (part), 2017: prior code § 7589)

17.44.110 New application.

Following the denial of an application for a change in a zone boundary, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application. (Ord. 2017-01 (part), 2017: prior code § 7590)

17.44.120 Report by city planner.

On any amendment to the zoning code changing property from one zone classification to another, the city planner shall inform the planning commission and the city council of any conditions attached to previous zone changes as a result of action taken pursuant to Sections [17.44.060](#), [17.44.070](#) and [17.44.090](#). (Ord. 2017-01 (part), 2017: Ord. 9605 § 30 (part), 1996: prior code § 7591)

NOTICE OF EXEMPTION

City of Visalia
315 E. Acequia Ave.
Visalia, CA 93291
(559) 713-4359

To: County Clerk
County of Tulare
County Civic Center
Visalia, CA 93291-4593

Zoning Text Amendment No. 2025-03

PROJECT TITLE

City Wide

PROJECT LOCATION

Visalia

PROJECT LOCATION - CITY

Tulare

COUNTY

A request by the City of Visalia to amend Visalia Municipal Code Title 17 (Zoning Ordinance), as to implement Program 5.8 contained in the City of Visalia 6th Cycle Housing Element of the General Plan. The regulations will apply Citywide to properties within the city limits of the City of Visalia.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia, Attn: Brandon Smith, 315 E. Acequia Avenue, Visalia CA 93291, (559) 713-4636, brandon.smith@visalia.city

NAME OF LEAD AGENCY APPROVING PROJECT

City of Visalia, Attn: Brandon Smith, 315 E. Acequia Avenue, Visalia CA 93291, (559) 713-4636, brandon.smith@visalia.city

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

N/A

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- ☐ Ministerial - Section 15183
☐ Emergency Project - Section 15071
☐ Categorical Exemption - State type and Section number:
☒ Statutory Exemptions- State code number: **15061(b)(3)**

Adoption of an ordinance amendment is considered exempt under Section 15061(b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA). A Notice of Exemption has been prepared for the project because the section states that the project is exempted from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

REASON FOR PROJECT EXEMPTION

Brandon Smith, Principal Planner

CONTACT PERSON

(559) 713-4636

AREA CODE/PHONE

September 3, 2025

DATE

Brandon Smith, AICP

ENVIRONMENTAL COORDINATOR

RESOLUTION NO. 2025-31

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF ZONING TEXT AMENDMENT NO. 2025-03, A REQUEST BY THE CITY OF VISALIA TO AMEND VISALIA MUNICIPAL CODE TITLE 17 (ZONING ORDINANCE), AS TO IMPLEMENT PROGRAM 5.8 CONTAINED IN THE CITY OF VISALIA 6TH CYCLE HOUSING ELEMENT.

WHEREAS, Zoning Text Amendment No. 2025-03 is a request by the City of Visalia to amend Visalia Municipal Code Title 17 (Zoning Ordinance), as to implement Program 5.8 contained in the City of Visalia 6th Cycle Housing Element. The specific amendments apply City-wide and are specified in Attachment “A” of this Resolution; and,

WHEREAS, as required by California law, the City of Visalia has prepared an update (i.e., 6th Cycle Update) to its Housing Element to reflect the current Regional Housing Needs Allocation (RHNA) cycle of 2023-2031; and,

WHEREAS, one implementation program (i.e. 5.8) required by the California Department of Housing and Community Development for the 6th Cycle Update of the Housing Element is to adopt various text amendments to the Visalia Zoning Ordinance to remove constraints to a variety of housing types and to ensure compliance with State law; and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on September 22, 2025; and,

WHEREAS, the Planning Commission of the City of Visalia considered the Zone Text Amendment in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing; and,

WHEREAS, the Planning Commission finds that the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (common sense exemption), as the proposed zone text amendment will not in and of themselves have an effect on the environment, and that the affected sites will continue to allow for residential development consistent with the land use designations and the respective density ranges specified in the Visalia General Plan Land Use Element.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15061(b)(3).

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of the proposed Zone Text Amendment based on the following specific findings and evidence presented:

1. That the Zoning Text Amendment is consistent with the intent of the General Plan and Zoning Ordinance and is not detrimental to the public health, safety, or

welfare, or materially injurious to properties or improvements in the vicinity, as described by the following:

Housing Element Policy 1.8 - The City shall continue to provide assistance by and access to City Staff, in person, by phone, or by email, so as to encourage increased public awareness and understanding of the City's housing regulations, including opportunities for by-right development, and standards as they pertain to new construction.

Housing Element Policy 5.1 - The City shall encourage the development of housing for elderly, persons with disabilities, large families, families with female heads of household, families and persons in need of emergency shelter, and farmworkers, where compatible with surrounding land uses and where site conditions and service capabilities permit. Sites considered especially appropriate for these uses are those accessible to day care and transit, case management, commercial, and medical services.

Housing Element Policy 5.3 - The City shall encourage and facilitate private sector development and support non-profit organizations in the development of affordable housing, including rental assistance housing to very low, low, and moderate-income special needs households through the use of development incentives. The City shall reduce or defer development review fees (as appropriate) to facilitate development of affordable housing for special needs groups.

Housing Element Policy 5.5 - The City shall facilitate and encourage the creation, by public or quasi-public agencies, of low-barrier emergency shelters, transitional housing, and permanent supportive housing in the community, and shall allow these uses as a by-right use in accordance with standards contained in its Zoning Ordinance.

Housing Element Policy 5.8 - The City shall work to remove governmental constraints to housing development.

2. That the Zone Text Amendment is consistent, where applicable, with portions of State law, including but not limited to Government Code Section 65000 et. seq.
3. The Zone Text Amendment will not have a negative impact on the City's housing stock, as the amendment will aid the development of sites listed on the City's sites inventory list for Visalia's Regional Housing Needs Allocation.
4. That applying the proposed Zone Code standards to future housing and residential uses will encourage increased housing options, including but not limited to affordable housing, throughout the City, as endorsed through the City of Visalia 2023-2031 Housing Element Update (6th Cycle Housing Element Update). These standards are designed to promote and ensure compatibility with adjacent land uses.
5. That the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) (common sense exemption) as the proposed zone text amendment will not in and of themselves have an

effect on the environment, and that the affected sites will continue to allow for residential development consistent with the land use designations and the respective density ranges specified in the Visalia General Plan Land Use Element.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of the Zone Text Amendment described herein in Attachment “A”, in accordance with the terms of this resolution and under the provisions of Section 17.44.070 of the Ordinance Code of the City of Visalia.

Resolution No. 2025-31

ATTACHMENT “A”

Zoning Text Amendment (ZTA) No. 2025-03: a request by the City of Visalia to amend Visalia Municipal Code Title 17 (Zoning Ordinance), as to implement Program 5.8 contained in the City of Visalia 6th Cycle Housing Element. Changes to City of Visalia Municipal Code Title 17 – Zoning Ordinance, as specified by underline & italics for additions and ~~strikeout~~ for deletions.

Chapter 17.02 General Provisions

Article 4. Reasonable Accommodation.

17.02.250 Purpose.

This purpose of this chapter is to provide a procedure for individuals with disabilities to request reasonable accommodations in seeking equal access to housing under the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter “Acts”) in the application of zoning laws and other land use regulations, policies, practices, and procedures. This provision also establishes the criteria to be used when considering requests for reasonable accommodations.

17.02.260 Applicability.

- A. A request for reasonable accommodation may be made by any individual with a disability, his/her/their representative, or a developer or provider of housing for individuals with disabilities, when a requirement of this zoning code or other City requirement, regulation, policy, or practice acts as a barrier to fair housing opportunities. This chapter is intended to apply to individuals with disabilities as “disability” is defined under the Acts.
- B. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures for the siting, development, use of housing or housing-related facilities, and any other land use requirements that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of his/her/their choice.
- C. A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.
- D. A reasonable accommodation shall be a ministerial grant in compliance with this Chapter without the need for the approval of a variance, conditional use permit, special use permit or other exception process.

17.02.270 Procedure.

- A. A request for reasonable accommodation shall be submitted on an application form provided by the Planning and Community Preservation Department or in the form of a letter to the Director of the Planning and Community Preservation Department. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection. The request for reasonable accommodation shall contain the following information:

1. The applicant's name, address, and telephone number;
 2. Address of the property for which the request is being made;
 3. The current use of the property;
 4. The basis for the claim that the individual is considered disabled under the Acts or that the housing which is the subject of the request will be used by an individual with a disability (protected health information including a specific diagnosis is not required to verify disability status);
 5. The zoning code or land use provision, regulation, policy or procedure for which reasonable accommodation is being requested; and
 6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
- B. If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by subsection (A) of this section for concurrent review with the application for discretionary approval.
- C. A request for reasonable accommodation shall be reviewed by the Director of the Planning and Community Preservation Department or their designee, if no approval is sought other than the request for reasonable accommodation. The Director of the Planning and Community Preservation Department or their designee shall make a written determination within 30 days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.
- D. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the Planning Commission. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the Planning Commission in compliance with the applicable review procedure for the discretionary review.

17.02.280 Approval Findings.

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following findings:

- A. Whether the individual requesting the accommodation has a disability as defined under the Act or the housing which is the subject of the request will be used by an individual with a disability;
- B. Whether the requested accommodation is necessary for the individual to have equal opportunity to use and enjoyment of the housing and housing-related services;
- C. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City of Visalia; and
- D. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.

17.02.290 Iterative Process.

Prior to denying a request for reasonable accommodation, the Director shall offer to meet with the applicant to discuss whether there is an alternative accommodation that would meet the applicable findings. If a request for reasonable accommodation is heard by the Planning Commission instead of the Director and the request is denied, then the Director shall offer to meet with the applicant to discuss whether there is an alternative that could meet the applicable findings. After this meeting an applicant may decide to submit a revised request for reasonable accommodation.

17.02.300 Reviewing Authority.

A. Requests for reasonable accommodation shall be reviewed by the "reviewing authority," as stated in Section 17.02.270, using the criteria set forth in Section 17.02.310.

B. When the reviewing authority is the Director, then the reviewing authority shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in Section 17.02.310. When the reviewing authority is the Planning Commission, then the written decision on a request for reasonable accommodation shall be issued following completion of the hearing for the discretionary land use application.

C. If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

17.02.310 Appeals.

- A. Only an aggrieved applicant and abutting property owners who receive notice of the reasonable accommodation determination have a right to appeal the decision. An appeal to the Planning Commission must be filed within ten (10) calendar days after notification of the decision. An appeal shall be made in the same manner, and subject to the same fee as appeals under Section 17.28.050 for appeals to Planning Commission of decisions by the Director, and in the same manner as appeals to City Council under Section 17.02.145, of decisions by the Planning Commission. The appeal shall be in writing and shall specify the reasons for the appeal and the grounds asserted for relief. If an appeal is not filed within the time or in the manner prescribed in this section, the right to review the action against which the complaint is made shall be deemed to have been waived.
- B. The Planning Commission or City Council shall review de novo the entire proceeding or proceedings relating to the decision and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.
- C. At the conclusion of the hearing, the hearing body shall prepare a written decision which either grants or denies the appeal and contains findings of fact and conclusions. The written decision, including a copy thereof shall be provided to the appellant and the project applicant.

Chapter 17.04 Definitions

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. For purposes of this definition, "emergency shelter" shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

"Residential care facility, large" means a community care facility licensed for the 24-hour care of 7 or more persons requiring personal services, supervision, protection, or assistance with daily tasks pursuant to the California Health and Safety Code Section 1500 et seq. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This definition does not include a rest home, sanatorium, boardinghouse, or lodging house.

"Residential care facility, small" means a licensed community care facility for the 24-hour care of 6 or fewer persons requiring personal services, supervision, protection, or assistance with daily tasks pursuant to the California Health and Safety Code Section 1500 et seq. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This definition does not include a rest home, sanatorium, boardinghouse, or lodging house.

Section 17.08.040 Conditional uses.

~~N. Twenty four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;~~ Large residential care facility subject to the provisions in Section 17.32.145.

Section 17.10.040 Conditional uses.

~~E. Twenty four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;~~ Large residential care facility subject to the provisions in Section 17.32.145.

Section 17.12.040 Conditional uses.

~~N. Twenty four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;~~ Large residential care facility subject to the provisions in Section 17.32.145.

Section 17.16.040 Conditional uses.

~~L. Twenty four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;~~ Large residential care facility subject to the provisions in Section 17.32.145.

17.16.050 Site area and configuration.

A. The division of (R-M) multi-family residential property less than two (2) acres shall be approved as part of a conditional use permit. Minimum site area: twenty thousand (20,000) square feet.

17.18.060 Development standards in the C-N zone.

The following development standards shall apply to property located in the C-N zone:

A. Minimum site area: ~~five (5) acres~~ twenty thousand (20,000) square feet.

17.18.070 Development standards in the C-R zone.

The following development standards shall apply to property located in the C-R zone:

A. Minimum site area: ~~five (5) acres~~ twenty thousand (20,000) square feet.

17.19.060 Development standards in the C-MU zones outside the downtown area.

The following development standards shall apply to property located in the C-MU zone and located outside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

A. Minimum site area: ~~five (5) acres~~ one (1) acre.

Section 17.25.030 Commercial, Office, and Industrial Zone Use Table

D. [Table 17.25.030, Commercial, Mixed Use, Office, and Industrial Zones Use Matrix]

Commercial, Mixed Use, Office, and Industrial Zones Use Matrix											
P = Use is Permitted by Right C = Use Requires Conditional Use Permit											
T = Use Requires Temporary Use Permit Blank = Use is Not Allowed											
USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	

RESIDENTIAL (see also Residential Zones)												
Group/Foster Homes, Licensed — 1 — 6 individuals in addition to residing family <u>Residential Care Facility, Small</u>	C	C	C	C	C	C	C	C	C	C	C	
Group/Foster Homes, Licensed — more than 6 individuals in addition to residing family <u>Residential Care Facility, Large</u>	C	C	C	C	C	C	C	C	C	C	C	<u>17.32.145</u>
Low Barrier Navigation Centers	$\frac{P}{*} / \frac{C}{C}$	$\frac{P}{*} / \frac{C}{C}$	$\frac{P}{*} / \frac{C}{C}$	$\frac{P}{*} / \frac{C}{C}$	$\frac{P}{*} / \frac{C}{C}$	$\frac{P}{*} / \frac{C}{C}$	$\frac{P}{*} / \frac{C}{C}$	$\frac{P}{*} / \frac{C}{C}$	$\frac{P}{*} / \frac{C}{C}$	$\frac{P}{*} / \frac{C}{C}$	$\frac{P}{*} / \frac{C}{C}$	17.32.135 *If meeting criteria stated in Cal. GC Sections 65660 - 65668
Transitional Housing and Supportive Housing as those terms are defined in City Ordinance Section 17.04.030	C	C	C	$\frac{P}{*} / \frac{C}{C}$	$\frac{P}{*} / \frac{C}{C}$	C	$\frac{P}{*} / \frac{C}{C}$	C	C	C	C	*If meeting criteria stated in Cal. GC Sections 65650 - 65656

17.32.130 Emergency shelters.

A. Applicability. The requirements of this section apply to all emergency shelters as defined in Chapter 17. 04. Furthermore, an emergency shelter may operate on a short-term basis provided that an operating schedule is included in the plan of operation.

B. Permits.

1. Emergency shelters are allowed as identified in the Zones Use Matrix included in Table 17.25.030. In accordance with State law, Government Code Section 65583, the zone where emergency shelters are allowed as a permitted use without a conditional use permit is the I-L (Light Industrial) zone. In addition, emergency shelters are a use requiring a conditional use permit in the QP quasi-public zone.

2. All emergency shelters are required to obtain a site plan review permit in accordance with Chapter 17.28 and are subject to the development standards in subsections C. and D. of this section.

C. Site development standards. The following standards are applicable to any permitted by right or conditionally allowed emergency shelter.

1. An emergency shelter may not be located closer than ~~one thousand (1,000)~~ *three hundred (300)* feet to a school (a school is herein defined as an existing or planned public or parochial elementary school, middle school, high school, or licensed day care facility) or another emergency shelter or low barrier navigation center.

~~— 2. An emergency shelter may not be located closer than twenty five (25) feet to the front property line of any existing dwelling unit.~~

~~— 3. An emergency shelter shall incorporate a seven (7) foot height perimeter wall constructed of concrete block, brick or stucco if the shelter is adjacent to any dwelling units. The perimeter wall is only required on sides abutting residential uses.~~

D. Standards for permitted by-right uses. The standards in this subsection must apply to any emergency shelter that is a use permitted by right. These standards shall be used as guidelines for any emergency shelter that is a use conditionally allowed in other zones, wherein a deviation from any such standard may be requested and considered as part of an application for conditional use permit.

1. Beds. The maximum number of beds for an emergency shelter as a use permitted by right is one hundred (100).

2. Parking. One (1) vehicle parking space shall be provided ~~per ten (10) beds and one (1) parking space shall be provided per employee. Up to five (5) visitor spaces shall be provided for service providers based on the actual need as determined by the city. The City Planner has the authority to require an extra one (1) vehicle parking space per ten (10) beds for emergency shelters established in response to a natural or man-made disaster.~~ A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of eight (8) bike parking spaces.

3. Lighting. Adequate lighting shall be provided in all parking, pedestrian paths, and intake areas, and shall be shielded and directed away from adjacent properties.

4. Management/Security. Support staff and/or security must be present during the hours of operation. Facilities must maintain with the City a written plan of operation to be approved by the City Planner in consultation with the Police Department and Neighborhood Preservation Division and to be complied with at all times. The management shall address, at a minimum:

- a. Patron access requirements.
- b. Hours of operation.
- c. Operating schedule if intended to operate as a short-term shelter.
- d. Security measures.
- e. Litter removal.

- f. On-site management.
- g. Staff training.
- h. Property maintenance.
- i. Neighborhood relations and communication.
- j. Noise attenuation.
- k. Pet occupancy, if applicable.

5. Length of Stay. The maximum length of stay per individual shall be no longer than six (6) months in a consecutive twelve (12) month period. Days of stay need not be consecutive.

6. Pets. If an emergency shelter chooses to allow pets, they may be unleashed inside only if they are inside a private unit or may be outside within cages or in a protected area. No limit shall be placed on the number of pets that can be maintained.

7. Intake/Waiting Areas. On-site waiting and intake areas shall be enclosed or screened from the public right-of-way and adjacent adjacent properties. Queuing of clients shall not be permitted outside of approved waiting and intake areas.

8. Outdoor Activity. An emergency shelter shall designate at least five (5) percent of the site to open or outdoor recreational space, located outside of any required front or street side landscape setback area or parking field. Outdoor activity shall be allowed only during the hours of 7:00 a.m. to 10:00 p.m. (Ord. 2022-06 (part), 2022)

17.32.145 Large residential care facilities.

A. Purpose. The purpose of this Section is to clarify procedures for the establishment or construction of large residential care facilities for the care of seven or more persons, pursuant to the California Community Care Facilities Act. See California Health and Safety Code Section 1500 et seq.).

B. Conditional Use Permit. A conditional use permit is required to operate a large residential care facility.

C. Development Standards. Large residential care facilities shall be subject to the same objective development standards required of multifamily dwelling units in the applicable zone. In addition, large residential care facilities shall comply with the following requirements or guidelines:

1. Locational Criteria. Large residential care facilities shall be reviewed in light of the following factors in determining an appropriate location for such facilities:

a. One- half mile proximity to public transit facilities (fixed routes and bus or transit stops) or the provision of transportation for residents.

b. Residential care homes shall not be located within 300 feet of industrial facilities or the industrial zone (I).

c. The minimum distance between large residential care facilities, measured from the site boundaries, shall not be less than 300 feet.

2. Open Space. Open space for outdoor recreation shall be provided at a ratio of 100 square feet for each resident.

3. Unit Size.

a. Single Occupancy. The minimum floor area for sleeping rooms shall not be less than 100 square feet in rooms intended for a single occupancy.

b. Multiple Occupancy. The minimum floor area for sleeping rooms shall not be less than 80 square feet per person in rooms intended for multiple occupancy.

17.32.147 Small residential care facilities.

Small residential care facilities shall be subject only to City standards that apply to other residential uses of the same type in the respective zone (e.g. single-family detached, accessory dwelling unit).

17.34.020 Schedule of off-street parking space requirements.

A. Residential.

1. Single-family dwelling: two parking spaces (one covered) per unit;
2. Multi-family dwelling: 1.5 parking spaces per dwelling unit for all multi-family developments with the following exceptions:
 - a. One parking space per dwelling unit for senior citizen housing developments. Senior citizen means a person of fifty-five (55) years of age or older. Senior citizen housing development shall be defined as a multi-family project wherein the units are made available solely to senior citizens,
 - b. Planning Commission shall have the authority to require an additional .25 parking spaces per dwelling unit for guest parking spaces under the following circumstances:
 - i. Should on-street parking not be available to provide a minimum of .25 spaces per unit;
 - ii. Within developments that include more than fifty (50) percent of the units as three or four bedroom units.
 - iii. The multi-family unit is not deemed as affordable housing and is not a single-room occupancy, studio, or one-bedroom units.

c. In cases where multi-family developments do not require planning commission review, the site plan review staff shall have similar authority as described above.

d. One parking space per dwelling unit for multi-family developments deemed as affordable housing and multi-family units which are single-room occupancy, studio, or one-bedroom units.

3. Boarding houses, private clubs providing sleeping accommodations: one covered parking space for each bedroom or one parking space for each one hundred fifty (150) square feet of sleeping area, whichever is greater.

4. Motels, hotels. One parking space for each guest room.

5. Single-room occupancy (SRO) housing: One space ~~for each employee onsite on the highest shift~~ per unit.

Further, there shall be one parking space for each two employees per shift regularly employed by the motel, or any independent business located within the motel structure. If the motel provides an area for the consumption of food or beverages or provides meeting or assembly halls the following requirements must be met.

<i>Number of Motel Rooms</i>	<i>Parking Requirements</i>
3-10	One parking space for each 100 square feet of area used for the consumption of food or beverages and one parking space for each 35 square feet of meeting or assembly hall space.
11-40	One parking space for every 200 square feet of area used for the consumption of food or beverages and one parking space for each 70 square feet of meeting hall or assembly hall space.
41-75	One parking space for each 300 square feet of area designated for the consumption of food or beverages and one parking space for each 150 square feet of meeting or assembly hall space.
76 or more	One parking space for each 400 square feet of area set aside for the consumption of food or beverages and one parking space for each 300 square feet of meeting or assembly hall area.

6. Planned unit developments, condominiums: one covered parking space plus one uncovered guest parking space for each dwelling unit.

Exhibit "A"

PLANNING & COMMUNITY PRESERVATION DEPARTMENT

SENATE BILL 330 (SB 330) PRELIMINARY APPLICATION

WWW.VISALIA.GOV 559-713-4359 315 E ACEQUIA AVE, VISALIA, CA 93291

What is SB 330?

[Senate Bill \(SB\) 330](#), also known as the Housing Crisis Act of 2019 (HCA), signed into law in 2019 and effective January 1, 2020, established a statewide housing emergency and added new regulations focused on the production and preservation of housing. Changes included a new section of California Government Code called the "Housing Crisis Act" (CA Gov. Code Section 65941.1), as well as updates to the existing Housing Accountability Act (CA Gov. Code Section 65589.5) and Permit Streamlining Act (CA Gov. Code Section 65950 and related code sections). In 2021, [Senate Bill \(SB\) 8](#) came into law, which made several further changes to these code sections and extended the HCA to January 1, 2030. In October 2023, [Assembly Bill \(AB\) 1218](#) came into law, which expands replacement requirements of protected units to nonresidential developments.

This legislation includes broad goals of facilitating increased production of new residential units, protecting existing units, and providing for an expedited review and approval process for housing development projects. To increase transparency and certainty in the development application process, SB 330 allows a housing developer to submit a Preliminary Application to a local agency for a housing development project.

A **housing development project** includes:

- Residential projects of one or more units;
- A mix of commercial and residential uses where 2/3 of the total square footage is residential; or
- Transitional or supportive housing.

Preliminary Application

A Preliminary Application allows a developer to provide a subset of information on the proposed housing development ahead of providing the full amount of information required by the local government for a housing development application. Upon submitting a Preliminary Application and payment of the Permit Processing Fee, a housing developer is allowed to "freeze" the applicable fees and development standards that apply to their project while they assemble the rest of the material necessary for a full application submittal. After submitting a complete Preliminary Application, the applicant has 180 days to submit a full project application, or the Preliminary Application will expire.

Prior to filing a Preliminary Application, the applicant must file an application for Site Plan Review and receive a Revise and Proceed status. A Preliminary Application must be filed within one year of the date of receiving a Revise and Proceed status.

To apply for a Preliminary Application, the applicant must submit the SB 330 Preliminary Application and the required documents and the Permit Processing Fee to be "deemed submitted" and "vested."

After you submit this application, if you revise your project so that the number of residential units or square footage of construction changes by 20 percent or more (exclusive of any increase pursuant to Government Code Section 65915), you will need to submit a new Preliminary Application.

Your Preliminary Application will be deemed abandoned if you do not submit an entitlement application within 180 days of submitting this Preliminary Application, or, if your entitlement permit application is found to be

incomplete, you do not provide any additional information required within 90 days of notice that the application is incomplete.

Submittal of all the information listed and payment of the permit processing fee freezes fees and development standards as of this date, unless exceptions triggered, per Government Code Section 65889.5(o).

Application Checklist

Please verify that you have submitted the required documents with your application.

Application and documents may be submitted via PDF emailed to Planning@visalia.gov or in-person on a flash drive.

- **Site Plan** – A site plan showing the building(s) location on the property and approximate square footage of each building that is to be occupied.
- **Elevations** – Elevations showing design, color, material, and the massing and height of each building that is to be occupied.

Section 1: Project Main Contact – Applicant / Agent Information

[Copy from Planning Permit Application & Checklist]

Section 2: Property Owner Information

[Copy from Planning Permit Application & Checklist]

Section 3: Project Information

Title or Name of Project: _____

Project Location/Address: _____

Assessor's Parcel Number(s) (APN(s)): _____

Site Area (acres or square feet): _____

Site Plan Review (SPR) Number: _____

Date of SPR Review and Proceed: _____

a. Existing Uses – Describe the existing uses on the project site and identify major physical alterations to the property on which the project is to be located. (You may also attach a site plan that clearly depicts all existing uses and proposed physical alterations.)

b. Residential Dwelling Unit Count – Please indicate the number of dwelling units proposed as well as a breakdown of levels by affordability set by each category (HCD or HUD).

	Total	HCD (State)	HUD (TCAC)
Market Rate		N/A	N/A
Managers Unit(s) – Market Rate		N/A	N/A
Extremely Low Income (30% or less of AMI)			
Very Low Income (31 to 50% of AMI)			
Low Income (51 to 80% of AMI)			
Moderate Income (81 to 120% of AMI)			
Total Number of Units			
Total Number of Affordable Units			
Total Number of Density Bonus Units			

c. Floor Area – Provide the proposed floor area and square footage of residential and non-residential development. When identifying specific land uses, please refer to the Zoning Use Matrix at Section 17.25.030 of the Municipal Code. If the project will contain multiple buildings, please provide a breakdown of square footage for each use by building.

Category of Use	Specific Use, if known	Square Footage
Residential		
Commercial		
Other		

d. Parking – The proposed number of automobile parking spaces.

Spaces for Residential Uses	Spaces for Nonresidential Uses	Total Spaces

Please describe any other parking that will be provided, including number of motorcycle spaces, short and long-term bicycle parking space, loading zones, EV charging stations, etc.

e. Affordable Housing Incentives, Waivers, Concessions, and Parking Reductions – Will the project proponent seek Density Bonus incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915? If “Yes,” please describe.

f. Subdivision – Will the project proponent seek any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a subdivision map, a condominium map, or a lot line adjustment? If “Yes,” please describe.

g. Pollutants – Are there any proposed point sources of air or water pollutants? If “Yes,” please describe.

h. Existing Site Conditions – Provide the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied.

	Residential Units	Occupied Residential Units	Unoccupied Residential Units
Existing			
To Be Demolished			

i. Additional Site Conditions –

Is a portion of the property located within a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code?

Yes • No •

Is a portion of the property located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency?

Yes • No •

Does the project site contain historic and/or cultural resources?

Yes • No • If “Yes”, please describe.

Does the project site contain any recorded public easement, such as easements for storm drains, water lines, and other public rights of way?

Yes • No • If “Yes”, please provide a site plan showing the location of any such easements.

j. Additional Site Conditions – Is there anything else about the proposed project that you would like to explain? Please also feel free to use this space to elaborate on any of your responses that you believe requires clarification or further explanation. Please attach additional sheets if necessary. You are not required to provide any information here.

APPLICANT’S SIGNATURE AND ACKNOWLEDGEMENT

By signing this application, I indicate that the information I have provided is true and correct to the best of my knowledge and belief. I further understand that all fees and deposits submitted with this application will be refunded only as provided for by the ordinances and regulations in effect at the time of the application submittal.

Signature

Date

Exhibit "B"

PLANNING & COMMUNITY PRESERVATION DEPARTMENT

SENATE BILL 423 (SB 423) PRELIMINARY APPLICATION

WWW.VISALIA.GOV 559-713-4359 315 E ACEQUIA AVE, VISALIA, CA 93291

What is Senate Bill 423?

California Senate Bill 423 (SB 423), was signed into law in 2023 and effective January 1, 2024. It established Government Code Section 65913.4 which created a streamlined ministerial (no public hearing) approval process for multi-unit housing projects that include a specified percentage of units affordable to lower-income households. SB 423 projects are exempt from discretionary review and must be consistent with objective design standards. This is a voluntary process a project applicant may elect to pursue if certain eligibility criteria are met. SB 423 is an extension of California Senate Bill 35 passed in 2017.

Where does it apply?

SB 423 applies in cities not meeting their Regional Housing Needs Allocation (RHNA) for affordable units. As of 2024, Visalia does not meet the RHNA goal for very-low and moderate-income units. Therefore, SB 423 requires the City to streamline approval of eligible housing projects which provide 50% of the units as affordable housing at or below 80% average median income by providing a ministerial approval process. The provisions of this program are in effect until January 1, 2036. Please refer to the updated Statewide Determination Summary on the HCD website for current affordability requirements.

Is my project eligible?

Eligibility for SB 423 streamlining is determined by meeting the eligibility requirements, which are State-mandated and cannot be waived or amended. Applicants intending to request SB 423 streamlining must first submit a **Notice of Intent** in the form of a **Preliminary Residential Application**. Prior to accepting an application, the City must initiate a California Native American Tribes consultation process. Applications will not be accepted without providing sufficient evidence that the project meets all eligibility criteria.

What are objective standards?

Objective standards are a type of regulation that requires no personal or subjective judgment to determine whether the standards have been met. SB 423 projects are subject to all objective standards found in the Zoning Ordinance Chapter 17.16 for Multi-family Residential and any other Citywide regulations and development standards.

Are there any exceptions?

No. The requirements for streamlined ministerial approval are State-mandated and cannot be waived or amended. A multi-unit housing project that does not meet one or more of the eligibility criteria or requires an exception to any development standard or regulations is not eligible and will be subject to the City's discretionary review process. State Density Bonus provisions are allowed to be applied to an SB 423 project and are not considered an exception.

How do I apply?

Applicants intending to request SB 423 streamlining must first submit a **Notice of Intent** in the form of a **Preliminary Residential Application**. Next, submit a formal application for an **Architectural and Site Review Permit** along with this **SB 423 Supplemental Application**.

SB 423 Streamlined Ministerial Approval Process

This is a summary of the affordable housing streamlined approval process for projects that meet the eligibility criteria according to California Government Code Section 65913.4.

Step 1: Conform the project is eligible

The first step is to confirm that the project meets the eligibility criteria. Read the attached **SB 423 Eligibility Checklist** to confirm the project is eligible.

Step 2: Submit a Notice of Intent

Once you have confirmed that the project meets all eligibility criteria, submit a **Notice of Intent** to submit an application in the form of the City's **Preliminary Residential Application**.

Step 3: Timelines for Tribal Scoping Consultation

Upon receipt of a **Notice of Intent**, the City will engage in a scoping consultation with any California Native American tribe that is affiliated with the geographic area. This may cumulatively take 90 days or more if further consultation is required.

1. **Notice.** Within 30 days, the City will provide formal notice for each Tribe.
2. **Acceptance.** Each Tribe has 30 days to accept the invitation to engage in consultation.
3. **Consultation.** The city initiates consultation within 30 days of acceptance of the invitation.

Step 4: Submit a complete application

Once the Tribal Scoping Consultation has been concluded, and the project meets the eligibility criteria, you will submit: (1) **this SB 423 Supplemental Application** along with (2) **an Architectural and Site Review Permit Application**.

Step 5: Timelines for Ministerial Review

The timelines for streamlined review are as follows:

1. **Application Review.** Planning staff will determine if the application is complete, and if the project conflicts with any objective zoning and design review standards, within 60 days for projects of 150 or fewer units and 90 days for more than 150 units.
2. **Action on the Application.** Action on the application must be completed in 90 days for 150 or fewer units and 180 days for projects with more than 150 units, measured from the date of a complete application submittal.
3. **Expiration.** If the project includes public investment in housing affordability, beyond tax credits, then that approval shall not expire. If the project does not include public investment in housing affordability, beyond tax credits, the approval will expire after three years.

Step 6: Submit a building permit

A building permit must be issued prior to the three-year approval expiration date. A project may receive an extension upon approval by the Building Division.

SB 423 Eligibility Checklist

Projects must comply with ALL the following to qualify for SB 423 review:

1. **Affordability.** A minimum of 50% of the total residential units will be dedicated to low-income households making at or below 80% of the area median income (prior to calculating density bonus).
2. **Number.** Project contains at least two or more net new residential units.
3. **Residential Uses.** The parcel has a general plan and/or zoning designation for residential uses with at least 2/3 of the floor area of the proposed development dedicated to residential uses.
4. **Infill Development.** At least 75% of the perimeter of the site adjoins lots developed with urban uses. Includes lots separated by a street or highway.
5. **Historic Resources.** The project does NOT demolish a historic structure, site, or feature that has been placed on a national, state, or local historic register.
6. **Demolition of Residential Units.** The project does NOT demolish housing units that have been occupied by tenants in the last 10 years; or any housing subject to rent or price control; or are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.
7. **Location.** The project site is NOT within any of these areas: a coastal zone, prime farmland, wetland, very high fire hazard severity zone, hazardous waste site, delineated earthquake fault zone, flood plain, floodway, community conservation plan area, a habitat for protected species, under a conservation easement, or located on a qualifying mobile home site.
8. **Prevailing Wages.** All construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area if the development is not a public work. This requirement does not apply to projects that include 10 or fewer units and is not a public work project.
9. **Skilled and Trained Workforce.** A skilled and trained workforce will complete the development if the project consists of 50 or more units that are not 100 percent subsidized affordable housing.
10. **Subdivisions.** Does not involve a subdivision subject to the Subdivision Map Act, unless the development either (i) receives a low-income housing tax credit and is subject to the requirement that prevailing wages be paid, or (ii) is subject to the requirements to pay prevailing wages and to use a skilled and trained workforce.
11. **Parking.** The project must provide at least one parking space per unit unless exempt pursuant to California Government Code Section 65913.4(d)(1).
12. **Notification to California Native American tribes.** The project proponent has submitted a **Notice of Intent** in the form of a preliminary application that includes all of the information described in California Government Code Section 65941.1 and concluded the tribal consultation process.
13. **Consistent with Objective Standards.** The project meets all objective general plan, zoning, subdivision, and design review standards at the time of SB 423 application submittal.

SB 423 Certificate for Compliance with Eligibility Requirements

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner of this property.
- b. The information presented is true and correct to the best of my knowledge.
- c. Public Record. I understand that any information provided becomes part of the public record and can be made available to the public for review and posted to the city website.
- d. Affordable Housing. I agree to comply with the applicable affordable housing dedication requirements established under Government Code section 65913.4(a)(3).
- e. Prevailing Wage. I agree to comply with the applicable prevailing wage requirements established under Government Code section 65913.4(a)(8)(A).
- f. Workforce. I agree to comply with the applicable skilled and trained workforce requirements established under Government Code section 65913.4(a)(8)(B).
- g. Tenant-Occupied Housing. I certify that the project site has not contained any housing occupied by tenants within 10 years prior to the date written below.

PROPERTY OWNER:

Signature_____

Date_____

Printed Name_____

Supplemental Application

Please verify that you have submitted the required documents with your application.

Section 1: Project Main Contact – Applicant / Agent Information

[Copy from Planning Permit Application & Checklist]

Section 2: Property Owner Information

[Copy from Planning Permit Application & Checklist]

Section 3: Project Information

Title or Name of Project: _____

Project Location/Address: _____

Assessor's Parcel Number(s) (APN(s)): _____

Site Area (acres or square feet): _____

Site Plan Review (SPR) Number: _____

Date of SPR Revise and Proceed: _____

a. Is this a 100% Affordable Housing Project? Yes • No •

b. Will the Project use SB 423 in conjunction with the State Density Bonus? Yes • No •

c. Project Description – Please provide a narrative project description that summarizes the project and its purpose. Please include the Average Median Income (AMI) levels of the populations to be served in the development and describe the project's intended program.

d. Project Summary

Unit Information					
	Unit Size	Market Rate Units	Affordable Dwelling Units	Total Number of Units	Total Proposed Floor Area
Studios					
1 Bedroom					
2 Bedroom					
3+ Bedroom					
Accessory Dwelling Units					
Other					

Land Use Summary	
	Total Proposed Floor Area
Residential	
Non-Residential	

Other Project Features	
	Proposed
Building Stories	
Usable Open Space / Amenities	
Parking Spaces	
Loading Spaces	
Bicycle Spaces	

APPLICANT'S SIGNATURE AND ACKNOWLEDGEMENT

Under penalty of perjury the following declarations are made:

1. The undersigned is the owner or authorized agent of the owner of this property.
2. The information presented is true and correct to the best of my knowledge.
3. I understand that any information provided becomes part of the public record and can be made available to the public for review and posted to the City website.
4. If the Applicant is not the Property Owner, both the Property Owner and Applicant must sign this affidavit. By signing this affidavit, the Property Owner authorizes the Applicant listed in this application to act as the Property Owner's agent on all matters in connection with this pre-application.

Signature of Owner

Date

Signature of Applicant

Date

Exhibit "C"

Senate Bill No. 330

CHAPTER 654

An act to amend Section 65589.5 of, to amend, repeal, and add Sections 65940, 65943, and 65950 of, to add and repeal Sections 65905.5, 65913.10, and 65941.1 of, and to add and repeal Chapter 12 (commencing with Section 66300) of Division 1 of Title 7 of, the Government Code, relating to housing.

[Approved by Governor October 9, 2019. Filed with Secretary
of State October 9, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 330, Skinner. Housing Crisis Act of 2019.

(1) The Housing Accountability Act, which is part of the Planning and Zoning Law, prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. The act specifies that one way to satisfy that requirement is to make findings that the housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete. The act requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence on the record that specified conditions exist, and places the burden of proof on the local agency to that effect. The act requires a court to impose a fine on a local agency under certain circumstances and requires that the fine be at least \$10,000 per housing unit in the housing development project on the date the application was deemed complete.

This bill, until January 1, 2025, would specify that an application is deemed complete for these purposes if a preliminary application was submitted, as described below.

Existing law authorizes the applicant, a person who would be eligible to apply for residency in the development or emergency shelter, or a housing organization to bring an action to enforce the Housing Accountability Act. If, in that action, a court finds that a local agency failed to satisfy the requirement to make the specified findings described above, existing law requires the court to issue an order or judgment compelling compliance with the act within 60 days, as specified.

This bill, until January 1, 2025, would additionally require a court to issue the order or judgment previously described if the local agency required or attempted to require certain housing development projects to comply with an ordinance, policy, or standard not adopted and in effect when a preliminary application was submitted.

Existing law authorizes a local agency to require a housing development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need, as specified.

This bill, until January 1, 2025, would, notwithstanding those provisions or any other law and with certain exceptions, require that a housing development project only be subject to the ordinances, policies, and standards adopted and in effect when a preliminary application is submitted, except as specified.

(2) The Planning and Zoning Law, except as provided, requires that a public hearing be held on an application for a variance from the requirements of a zoning ordinance, an application for a conditional use permit or equivalent development permit, a proposed revocation or modification of a variance or use permit or equivalent development permit, or an appeal from the action taken on any of those applications. That law requires that notice of a public hearing be provided in accordance with specified procedures.

This bill, until January 1, 2025, would prohibit a city or county from conducting more than 5 hearings, as defined, held pursuant to these provisions, or any other law, ordinance, or regulation requiring a public hearing, if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, as defined. The bill would require the city or county to consider and either approve or disapprove the housing development project at any of the 5 hearings consistent with the applicable timelines under the Permit Streamlining Act.

(3) The Permit Streamlining Act, which is part of the Planning and Zoning Law, requires each state agency and each local agency to compile one or more lists that specify in detail the information that will be required from any applicant for a development project. That law requires the state or local agency to make copies of this information available to all applicants for development projects and to any persons who request the information.

The bill, until January 1, 2025, for purposes of any state or local law, ordinance, or regulation that requires a city or county to determine whether the site of a proposed housing development project is a historic site, would require the city or county to make that determination, which would remain valid for the pendency of the housing development, at the time the application is deemed complete, except as provided. The bill, until January 1, 2025, would also require that each local agency make copies of any above-described list with respect to information required from an applicant for a housing development project available both (A) in writing to those

persons to whom the agency is required to make information available and (B) publicly available on the internet website of the local agency.

The Permit Streamlining Act requires public agencies to approve or disapprove of a development project within certain timeframes, as specified. The act requires a public agency, upon its determination that an application for a development project is incomplete, to include a list and a thorough description of the specific information needed to complete the application. Existing law authorizes the applicant to submit the additional material to the public agency, requires the public agency to determine whether the submission of the application together with the submitted materials is complete within 30 days of receipt, and provides for an appeal process from the public agency's determination. Existing law requires a final written determination by the agency on the appeal no later than 60 days after receipt of the applicant's written appeal.

This bill, until January 1, 2025, would provide that a housing development project, as defined, shall be deemed to have submitted a preliminary application upon providing specified information about the proposed project to the city or county from which approval for the project is being sought. The bill would require each local agency to compile a checklist and application form that applicants for housing development projects may use for that purpose and would require the Department of Housing and Community Development to adopt a standardized form for applicants seeking approval from a local agency that has not developed its own application form. After the submittal of a preliminary application, the bill would provide that a housing development project would not be deemed to have submitted a preliminary application under these provisions if the development proponent revises the project such that the number of residential units or square footage of construction changes by 20% or more until the development proponent resubmits the information required by the bill so that it reflects the revisions. The bill would require a development proponent to submit an application for a development project that includes all information necessary for the agency to review the application under the Permit Streamlining Act within 180 days of submitting the preliminary application.

The bill, until January 1, 2025, would require the lead agency, as defined, if the application is determined to be incomplete, to provide the applicant with an exhaustive list of items that were not complete, as specified.

The Permit Streamlining Act generally requires that a public agency that is the lead agency for a development project approve or disapprove a project within 120 days from the date of certification by the lead agency of an environmental impact report prepared for certain development projects, but reduces this time period to 90 days from the certification of an environmental impact report for development projects meeting certain additional conditions relating to affordability. Existing law defines "development project" for these purposes to mean a use consisting of either residential units only or mixed-use developments consisting of residential and nonresidential uses that satisfy certain other requirements.

This bill, until January 1, 2025, would reduce the time period in which a lead agency under these provisions is required to approve or disapprove a project from 120 days to 90 days, for a development project generally described above, and from 90 days to 60 days, for a development project that meets the above-described affordability conditions. The bill would recast the definition of “development project” for these purposes to mean a housing development project, as defined in the Housing Accountability Act.

(4) The Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that relates to its planning. That law authorizes the legislative body, if it deems it to be in the public interest, to amend all or part of an adopted general plan, as provided. That law also authorizes the legislative body of any county or city, pursuant to specified procedures, to adopt ordinances that, among other things, regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes.

This bill, until January 1, 2025, with respect to land where housing is an allowable use, except as specified, would prohibit a county or city, including the electorate exercising its local initiative or referendum power, in which specified conditions exist, determined by the Department of Housing and Community Development as provided, from enacting a development policy, standard, or condition, as defined, that would have the effect of (A) changing the land use designation or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing zoning district below what was allowed under the general plan or specific plan land use designation and zoning ordinances of the county or city as in effect on January 1, 2018; (B) imposing or enforcing a moratorium on housing development within all or a portion of the jurisdiction of the county or city, except as provided; (C) imposing or enforcing new design standards established on or after January 1, 2020, that are not objective design standards, as defined; or (D) establishing or implementing certain limits on the number of permits issued by, or the population of, the county or city, unless the limit was approved prior to January 1, 2005, in a predominantly agricultural county, as defined. The bill would, notwithstanding these prohibitions, allow a city or county to prohibit the commercial use of land zoned for residential use consistent with the authority of the city or county conferred by other law. The bill would state that these prohibitions would apply to any zoning ordinance adopted or amended on or after the effective date of these provisions, and that any development policy, standard, or condition on or after that date that does not comply would be deemed void.

This bill would also require a project that requires the demolition of housing to comply with specified requirements, including the provision of relocation assistance and a right of first refusal in the new housing to displaced occupants, as provided. The bill would provide that these provisions do not supersede any provision of a locally adopted ordinance

that places greater restrictions on the demolition of residential dwelling units or that requires greater relocation assistance to displaced households. The bill would require a county or city subject to these provisions to include information necessary to determine compliance with these provisions in the list or lists that specify the information that will be required from any applicant for a development project under the Permit Streamlining Act.

The bill would state that these prohibitions would prevail over any conflicting provision of the Planning and Zoning Law or other law regulating housing development in this state, except as specifically provided. The bill would also require that any exception to these provisions, including an exception for the health and safety of occupants of a housing development project, be construed narrowly.

(5) This bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

(6) By imposing various new requirements and duties on local planning officials with respect to housing development, and by changing the scope of a crime under the State Housing Law, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(7) This bill would provide that its provisions are severable.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Housing Crisis Act of 2019.

SEC. 2. (a) The Legislature finds and declares the following:

(1) California is experiencing a housing supply crisis, with housing demand far outstripping supply. In 2018, California ranked 49th out of the 50 states in housing units per capita.

(2) Consequently, existing housing in this state, especially in its largest cities, has become very expensive. Seven of the 10 most expensive real estate markets in the United States are in California. In San Francisco, the median home price is \$1.6 million.

(3) California is also experiencing rapid year-over-year rent growth with three cities in the state having had overall rent growth of 10 percent or more year-over-year, and of the 50 United States cities with the highest United States rents, 33 are cities in California.

(4) California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over the next 7 years.

(5) The housing crisis has particularly exacerbated the need for affordable homes at prices below market rates.

(6) The housing crisis harms families across California and has resulted in all of the following:

(A) Increased poverty and homelessness, especially first-time homelessness.

(B) Forced lower income residents into crowded and unsafe housing in urban areas.

(C) Forced families into lower cost new housing in greenfields at the urban-rural interface with longer commute times and a higher exposure to fire hazard.

(D) Forced public employees, health care providers, teachers, and others, including critical safety personnel, into more affordable housing farther from the communities they serve, which will exacerbate future disaster response challenges in high-cost, high-congestion areas and increase risk to life.

(E) Driven families out of the state or into communities away from good schools and services, making the ZIP Code where one grew up the largest determinate of later access to opportunities and social mobility, disrupting family life, and increasing health problems due to long commutes that may exceed three hours per day.

(7) The housing crisis has been exacerbated by the additional loss of units due to wildfires in 2017 and 2018, which impacts all regions of the state. The Carr Fire in 2017 alone burned over 1,000 homes, and over 50,000 people have been displaced by the Camp Fire and the Woolsey Fire in 2018. This temporary and permanent displacement has placed additional demand on the housing market and has resulted in fewer housing units available for rent by low-income individuals.

(8) Individuals who lose their housing due to fire or the sale of the property cannot find affordable homes or rental units and are pushed into cars and tents.

(9) Costs for construction of new housing continue to increase. According to the Turner Center for Housing Innovation at the University of California, Berkeley, the cost of building a 100-unit affordable housing project in the state was almost \$425,000 per unit in 2016, up from \$265,000 per unit in 2000.

(10) Lengthy permitting processes and approval times, fees and costs for parking, and other requirements further exacerbate cost of residential construction.

(11) The housing crisis is severely impacting the state's economy as follows:

(A) Employers face increasing difficulty in securing and retaining a workforce.

(B) Schools, universities, nonprofits, and governments have difficulty attracting and retaining teachers, students, and employees, and our schools and critical services are suffering.

(C) According to analysts at McKinsey and Company, the housing crisis is costing California \$140 billion a year in lost economic output.

(12) The housing crisis also harms the environment by doing both of the following:

(A) Increasing pressure to develop the state's farmlands, open space, and rural interface areas to build affordable housing, and increasing fire hazards that generate massive greenhouse gas emissions.

(B) Increasing greenhouse gas emissions from longer commutes to affordable homes far from growing job centers.

(13) Homes, lots, and structures near good jobs, schools, and transportation remain underutilized throughout the state and could be rapidly remodeled or developed to add affordable homes without subsidy where they are needed with state assistance.

(14) Reusing existing infrastructure and developed properties, and building more smaller homes with good access to schools, parks, and services, will provide the most immediate help with the lowest greenhouse gas footprint to state residents.

(b) In light of the foregoing, the Legislature hereby declares a statewide housing emergency, to be in effect until January 1, 2025.

(c) It is the intent of the Legislature, in enacting the Housing Crisis Act of 2019, to do both of the following:

(1) Suspend certain restrictions on the development of new housing during the period of the statewide emergency described in subdivisions (a) and (b).

(2) Work with local governments to expedite the permitting of housing in regions suffering the worst housing shortages and highest rates of displacement.

SEC. 3. Section 65589.5 of the Government Code is amended to read:

65589.5. (a) (1) The Legislature finds and declares all of the following:

(A) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.

(B) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(C) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(D) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in

disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.

(2) In enacting the amendments made to this section by the act adding this paragraph, the Legislature further finds and declares the following:

(A) California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives.

(B) While the causes of this crisis are multiple and complex, the absence of meaningful and effective policy reforms to significantly enhance the approval and supply of housing affordable to Californians of all income levels is a key factor.

(C) The crisis has grown so acute in California that supply, demand, and affordability fundamentals are characterized in the negative: underserved demands, constrained supply, and protracted unaffordability.

(D) According to reports and data, California has accumulated an unmet housing backlog of nearly 2,000,000 units and must provide for at least 180,000 new units annually to keep pace with growth through 2025.

(E) California's overall homeownership rate is at its lowest level since the 1940s. The state ranks 49th out of the 50 states in homeownership rates as well as in the supply of housing per capita. Only one-half of California's households are able to afford the cost of housing in their local regions.

(F) Lack of supply and rising costs are compounding inequality and limiting advancement opportunities for many Californians.

(G) The majority of California renters, more than 3,000,000 households, pay more than 30 percent of their income toward rent and nearly one-third, more than 1,500,000 households, pay more than 50 percent of their income toward rent.

(H) When Californians have access to safe and affordable housing, they have more money for food and health care; they are less likely to become homeless and in need of government-subsidized services; their children do better in school; and businesses have an easier time recruiting and retaining employees.

(I) An additional consequence of the state's cumulative housing shortage is a significant increase in greenhouse gas emissions caused by the displacement and redirection of populations to states with greater housing opportunities, particularly working- and middle-class households. California's cumulative housing shortfall therefore has not only national but international environmental consequences.

(J) California's housing picture has reached a crisis of historic proportions despite the fact that, for decades, the Legislature has enacted numerous statutes intended to significantly increase the approval, development, and affordability of housing for all income levels, including this section.

(K) The Legislature's intent in enacting this section in 1982 and in expanding its provisions since then was to significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects and emergency shelters. That intent has not been fulfilled.

(L) It is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing.

(3) It is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety, as described in paragraph (2) of subdivision (d) and paragraph (1) of subdivision (j), arise infrequently.

(b) It is the policy of the state that a local government not reject or make infeasible housing development projects, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the housing development project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the housing development project. The share of the regional housing need met by the jurisdiction shall be

calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

(3) The denial of the housing development project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The housing development project or emergency shelter is inconsistent with both the jurisdiction’s zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article. For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the housing development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction’s housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction’s zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency's share of the regional housing need for the very low, low-, and moderate-income categories.

(C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the congestion management program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f) (1) Except as provided in subdivision (o), nothing in this section shall be construed to prohibit a local agency from requiring the housing development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.

(2) Except as provided in subdivision (o), nothing in this section shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) Except as provided in subdivision (o), nothing in this section shall be construed to prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the housing development project or emergency shelter.

(4) For purposes of this section, a housing development project or emergency shelter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

(C) Transitional housing or supportive housing.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to persons and families of moderate income as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a

monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) “Area median income” means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) Notwithstanding any other law, until January 1, 2025, “deemed complete” means that the applicant has submitted a preliminary application pursuant to Section 65941.1.

(6) “Disapprove the housing development project” includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved, including any required land use approvals or entitlements necessary for the issuance of a building permit.

(B) Fails to comply with the time periods specified in subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(7) “Lower density” includes any conditions that have the same effect or impact on the ability of the project to provide housing.

(8) Until January 1, 2025, “objective” means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.

(9) Notwithstanding any other law, until January 1, 2025, “determined to be complete” means that the applicant has submitted a complete application pursuant to Section 65943.

(i) If any city, county, or city and county denies approval or imposes conditions, including design changes, lower density, or a reduction of the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the housing development project’s application is deemed complete, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of conditions on the development is the subject of a court action which challenges the denial or the imposition of conditions, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d), and that the findings are supported by a preponderance of the evidence in the record, and with the requirements of subdivision (o).

(j) (1) When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and

criteria, including design review standards, in effect at the time that the application was deemed complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(2) (A) If the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:

(i) Within 30 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units.

(ii) Within 60 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains more than 150 units.

(B) If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

(3) For purposes of this section, the receipt of a density bonus pursuant to Section 65915 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.

(4) For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed

housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

(k) (1) (A) (i) The applicant, a person who would be eligible to apply for residency in the development or emergency shelter, or a housing organization may bring an action to enforce this section. If, in any action brought to enforce this section, a court finds that any of the following are met, the court shall issue an order pursuant to clause (ii):

(I) The local agency, in violation of subdivision (d), disapproved a housing development project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households, including farmworker housing, without making the findings required by this section or without making findings supported by a preponderance of the evidence.

(II) The local agency, in violation of subdivision (j), disapproved a housing development project complying with applicable, objective general plan and zoning standards and criteria, or imposed a condition that the project be developed at a lower density, without making the findings required by this section or without making findings supported by a preponderance of the evidence.

(III) (ia) Subject to sub-subclause (ib), the local agency, in violation of subdivision (o), required or attempted to require a housing development project to comply with an ordinance, policy, or standard not adopted and in effect when a preliminary application was submitted.

(ib) This subclause shall become inoperative on January 1, 2025.

(ii) If the court finds that one of the conditions in clause (i) is met, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the housing development project or emergency shelter. The court may issue an order or judgment directing the local agency to approve the housing development project or emergency shelter if the court finds that the local agency acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner, except under extraordinary circumstances in which the court finds that awarding fees would not further the purposes of this section.

(B) (i) Upon a determination that the local agency has failed to comply with the order or judgment compelling compliance with this section within 60 days issued pursuant to subparagraph (A), the court shall impose fines on a local agency that has violated this section and require the local agency to deposit any fine levied pursuant to this subdivision into a local housing trust fund. The local agency may elect to instead deposit the fine into the Building Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular

Session is enacted, or otherwise in the Housing Rehabilitation Loan Fund. The fine shall be in a minimum amount of ten thousand dollars (\$10,000) per housing unit in the housing development project on the date the application was deemed complete pursuant to Section 65943. In determining the amount of fine to impose, the court shall consider the local agency's progress in attaining its target allocation of the regional housing need pursuant to Section 65584 and any prior violations of this section. Fines shall not be paid out of funds already dedicated to affordable housing, including, but not limited to, Low and Moderate Income Housing Asset Funds, funds dedicated to housing for very low, low-, and moderate-income households, and federal HOME Investment Partnerships Program and Community Development Block Grant Program funds. The local agency shall commit and expend the money in the local housing trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. After five years, if the funds have not been expended, the money shall revert to the state and be deposited in the Building Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular Session is enacted, or otherwise in the Housing Rehabilitation Loan Fund, for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households.

(ii) If any money derived from a fine imposed pursuant to this subparagraph is deposited in the Housing Rehabilitation Loan Fund, then, notwithstanding Section 50661 of the Health and Safety Code, that money shall be available only upon appropriation by the Legislature.

(C) If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency and to approve the housing development project, in which case the application for the housing development project, as proposed by the applicant at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed to be approved unless the applicant consents to a different decision or action by the local agency.

(2) For purposes of this subdivision, “housing organization” means a trade or industry group whose local members are primarily engaged in the construction or management of housing units or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income households and have filed written or oral comments with the local agency prior to action on the housing development project. A housing organization may only file an action pursuant to this section to challenge the disapproval of a housing development by a local agency. A housing organization shall be entitled to reasonable attorney's fees and costs if it is the prevailing party in an action to enforce this section.

(l) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court's order or judgment within 60 days as described in subdivision (k), the court, in addition to any other remedies provided by this section, shall multiply the fine determined pursuant to subparagraph (B) of paragraph (1) of subdivision (k) by a factor of five. For purposes of this section, "bad faith" includes, but is not limited to, an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of preparation of the record shall be borne by the local agency, unless the petitioner elects to prepare the record as provided in subdivision (n) of this section. A petition to enforce the provisions of this section shall be filed and served no later than 90 days from the later of (1) the effective date of a decision of the local agency imposing conditions on, disapproving, or any other final action on a housing development project or (2) the expiration of the time periods specified in subparagraph (B) of paragraph (5) of subdivision (h). Upon entry of the trial court's order, a party may, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow, or may appeal the judgment or order of the trial court under Section 904.1 of the Code of Civil Procedure. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

(o) (1) Subject to paragraphs (2), (6), and (7), and subdivision (d) of Section 65941.1, a housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect when a preliminary application including all of the information required by subdivision (a) of Section 65941.1 was submitted.

(2) Paragraph (1) shall not prohibit a housing development project from being subject to ordinances, policies, and standards adopted after the

preliminary application was submitted pursuant to Section 65941.1 in the following circumstances:

(A) In the case of a fee, charge, or other monetary exaction, to an increase resulting from an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or other monetary exaction.

(B) A preponderance of the evidence in the record establishes that subjecting the housing development project to an ordinance, policy, or standard beyond those in effect when a preliminary application was submitted is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety, as defined in subparagraph (A) of paragraph (1) of subdivision (j), and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.

(C) Subjecting the housing development project to an ordinance, policy, standard, or any other measure, beyond those in effect when a preliminary application was submitted is necessary to avoid or substantially lessen an impact of the project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(D) The housing development project has not commenced construction within two and one-half years following the date that the project received final approval. For purposes of this subparagraph, “final approval” means that the housing development project has received all necessary approvals to be eligible to apply for, and obtain, a building permit or permits and either of the following is met:

(i) The expiration of all applicable appeal periods, petition periods, reconsideration periods, or statute of limitations for challenging that final approval without an appeal, petition, request for reconsideration, or legal challenge having been filed.

(ii) If a challenge is filed, that challenge is fully resolved or settled in favor of the housing development project.

(E) The housing development project is revised following submittal of a preliminary application pursuant to Section 65941.1 such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision. For purposes of this subdivision, “square footage of construction” means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations).

(3) This subdivision does not prevent a local agency from subjecting the additional units or square footage of construction that result from project revisions occurring after a preliminary application is submitted pursuant to Section 65941.1 to the ordinances, policies, and standards adopted and in effect when the preliminary application was submitted.

(4) For purposes of this subdivision, “ordinances, policies, and standards” includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other

rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions.

(5) This subdivision shall not be construed in a manner that would lessen the restrictions imposed on a local agency, or lessen the protections afforded to a housing development project, that are established by any other law, including any other part of this section.

(6) This subdivision shall not restrict the authority of a public agency or local agency to require mitigation measures to lessen the impacts of a housing development project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(7) With respect to completed residential units for which the project approval process is complete and a certificate of occupancy has been issued, nothing in this subdivision shall limit the application of later enacted ordinances, policies, and standards that regulate the use and occupancy of those residential units, such as ordinances relating to rental housing inspection, rent stabilization, restrictions on short-term renting, and business licensing requirements for owners of rental housing.

(8) This subdivision shall become inoperative on January 1, 2025.

(p) This section shall be known, and may be cited, as the Housing Accountability Act.

SEC. 4. Section 65905.5 is added to the Government Code, to read:

65905.5. (a) Notwithstanding any other law, if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, after the application is deemed complete, a city, county, or city and county shall not conduct more than five hearings pursuant to Section 65905, or any other law, ordinance, or regulation requiring a public hearing in connection with the approval of that housing development project. If the city, county, or city and county continues a hearing subject to this section to another date, the continued hearing shall count as one of the five hearings allowed under this section. The city, county, or city and county shall consider and either approve or disapprove the application at any of the five hearings allowed under this section consistent with the applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

(b) For purposes of this section:

(1) “Deemed complete” means that the application has met all of the requirements specified in the relevant list compiled pursuant to Section 65940 that was available at the time when the application was submitted.

(2) “Hearing” includes any public hearing, workshop, or similar meeting conducted by the city or county with respect to the housing development project, whether by the legislative body of the city or county, the planning agency established pursuant to Section 65100, or any other agency, department, board, commission, or any other designated hearing officer or body of the city or county, or any committee or subcommittee thereof.

“Hearing” does not include a hearing to review a legislative approval required for a proposed housing development project, including, but not limited to, a general plan amendment, a specific plan adoption or amendment, or a zoning amendment, or any hearing arising from a timely appeal of the approval or disapproval of a legislative approval.

(3) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(c) (1) For purposes of this section, a housing development project shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project is consistent, compliant, or in conformity.

(2) A proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria, but the zoning for the project site is inconsistent with the general plan. If the local agency complies with the written documentation requirements of paragraph (2) of subdivision (j) of Section 65589.5, the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning that is consistent with the general plan; however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

(d) Nothing in this section supersedes, limits, or otherwise modifies the requirements of, or the standards of review pursuant to, Division 13 (commencing with Section 21000) of the Public Resources Code.

(e) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 5. Section 65913.10 is added to the Government Code, to read:

65913.10. (a) For purposes of any state or local law, ordinance, or regulation that requires the city or county to determine whether the site of a proposed housing development project is a historic site, the city or county shall make that determination at the time the application for the housing development project is deemed complete. A determination as to whether a parcel of property is a historic site shall remain valid during the pendency of the housing development project for which the application was made unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

(b) For purposes of this section:

(1) “Deemed complete” means that the application has met all of the requirements specified in the relevant list compiled pursuant to Section 65940 that was available at the time when the application was submitted.

(2) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(c) (1) Nothing in this section supersedes, limits, or otherwise modifies the requirements of, or the standards of review pursuant to, Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) Nothing in this section supersedes, limits, or otherwise modifies the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(d) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 6. Section 65940 of the Government Code is amended to read:

65940. (a) (1) Each public agency shall compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project. Each public agency shall revise the list of information required from an applicant to include a certification of compliance with Section 65962.5, and the statement of application required by Section 65943. Copies of the information, including the statement of application required by Section 65943, shall be made available to all applicants for development projects and to any person who requests the information.

(2) An affected city or affected county, as defined in Section 66300, shall include the information necessary to determine compliance with the requirements of subdivision (d) of Section 66300 in the list compiled pursuant to paragraph (1).

(b) The list of information required from any applicant shall include, where applicable, identification of whether the proposed project is located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined in Section 65944.

(c) (1) A public agency that is not beneath a low-level flight path or not within special use airspace and does not contain a military installation is not required to change its list of information required from applicants to comply with subdivision (b).

(2) A public agency that is entirely urbanized, as defined in subdivision (e) of Section 65944, with the exception of a jurisdiction that contains a military installation, is not required to change its list of information required from applicants to comply with subdivision (b).

(d) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 7. Section 65940 is added to the Government Code, to read:

65940. (a) Each public agency shall compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project. Each public agency shall revise the list of information required from an applicant to include a certification of compliance with Section 65962.5, and the statement of application required by Section 65943. Copies of the information, including the statement of application required by Section 65943, shall be made available to all applicants for development projects and to any person who requests the information.

(b) The list of information required from any applicant shall include, where applicable, identification of whether the proposed project is located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined in Section 65944.

(c) (1) A public agency that is not beneath a low-level flight path or not within special use airspace and does not contain a military installation is not required to change its list of information required from applicants to comply with subdivision (b).

(2) A public agency that is entirely urbanized, as defined in subdivision (e) of Section 65944, with the exception of a jurisdiction that contains a military installation, is not required to change its list of information required from applicants to comply with subdivision (b).

(d) This section shall become operative on January 1, 2025.

SEC. 8. Section 65941.1 is added to the Government Code, to read:

65941.1. (a) An applicant for a housing development project, as defined in paragraph (2) of subdivision (h) of Section 65589.5, shall be deemed to have submitted a preliminary application upon providing all of the following information about the proposed project to the city, county, or city and county from which approval for the project is being sought and upon payment of the permit processing fee:

(1) The specific location, including parcel numbers, a legal description, and site address, if applicable.

(2) The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.

(3) A site plan showing the location on the property, elevations showing design, color, and material, and the massing, height, and approximate square footage, of each building that is to be occupied.

(4) The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance.

(5) The proposed number of parking spaces.

(6) Any proposed point sources of air or water pollutants.

(7) Any species of special concern known to occur on the property.

(8) Whether a portion of the property is located within any of the following:

(A) A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178.

(B) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(C) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code.

(D) A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.

(E) A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(F) A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code.

(9) Any historic or cultural resources known to exist on the property.

(10) The number of proposed below market rate units and their affordability levels.

(11) The number of bonus units and any incentives, concessions, waivers, or parking reductions requested pursuant to Section 65915.

(12) Whether any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map, are being requested.

(13) The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.

(14) For a housing development project proposed to be located within the coastal zone, whether any portion of the property contains any of the following:

(A) Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations.

(B) Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code.

(C) A tsunami run-up zone.

(D) Use of the site for public access to or along the coast.

(15) The number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied.

(16) A site map showing a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code and an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.

(17) The location of any recorded public easement, such as easements for storm drains, water lines, and other public rights of way.

(b) (1) Each local agency shall compile a checklist and application form that applicants for housing development projects may use for the purpose of satisfying the requirements for submittal of a preliminary application.

(2) The Department of Housing and Community Development shall adopt a standardized form that applicants for housing development projects may use for the purpose of satisfying the requirements for submittal of a preliminary application if a local agency has not developed its own

application form pursuant to paragraph (1). Adoption of the standardized form shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(3) A checklist or form shall not require or request any information beyond that expressly identified in subdivision (a).

(c) After submittal of all of the information required by subdivision (a), if the development proponent revises the project such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, the housing development project shall not be deemed to have submitted a preliminary application that satisfies this section until the development proponent resubmits the information required by subdivision (a) so that it reflects the revisions. For purposes of this subdivision, “square footage of construction” means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations).

(d) (1) Within 180 calendar days after submitting a preliminary application with all of the information required by subdivision (a) to a city, county, or city and county, the development proponent shall submit an application for a development project that includes all of the information required to process the development application consistent with Sections 65940, 65941, and 65941.5.

(2) If the public agency determines that the application for the development project is not complete pursuant to Section 65943, the development proponent shall submit the specific information needed to complete the application within 90 days of receiving the agency’s written identification of the necessary information. If the development proponent does not submit this information within the 90-day period, then the preliminary application shall expire and have no further force or effect.

(3) This section shall not require an affirmative determination by a city, county, or city and county regarding the completeness of a preliminary application or a development application for purposes of compliance with this section.

(e) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 9. Section 65943 of the Government Code is amended to read:

65943. (a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the application is determined to be incomplete, the lead agency shall provide the applicant with an exhaustive list of items that were not complete. That list shall be limited to those items actually required on the lead agency’s submittal requirement checklist. In any subsequent review of the application determined to be incomplete, the local agency shall not request the applicant to provide any new information that was not stated in the initial list of items that were not complete. If the written determination is not made within 30

days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.

(b) Not later than 30 calendar days after receipt of the submitted materials described in subdivision (a), the public agency shall determine in writing whether the application as supplemented or amended by the submitted materials is complete and shall immediately transmit that determination to the applicant. In making this determination, the public agency is limited to determining whether the application as supplemented or amended includes the information required by the list and a thorough description of the specific information needed to complete the application required by subdivision (a). If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for purposes of this chapter.

(c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

There shall be a final written determination by the agency on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

(d) Nothing in this section precludes an applicant and a public agency from mutually agreeing to an extension of any time limit provided by this section.

(e) A public agency may charge applicants a fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

(f) Each city and each county shall make copies of any list compiled pursuant to Section 65940 with respect to information required from an applicant for a housing development project, as that term is defined in

paragraph (2) of subdivision (h) of Section 65589.5, available both (1) in writing to those persons to whom the agency is required to make information available under subdivision (a) of that section, and (2) publicly available on the internet website of the city or county.

(g) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 10. Section 65943 is added to the Government Code, to read:

65943. (a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.

(b) Not later than 30 calendar days after receipt of the submitted materials, the public agency shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for purposes of this chapter.

(c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

There shall be a final written determination by the agency on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

(d) Nothing in this section precludes an applicant and a public agency from mutually agreeing to an extension of any time limit provided by this section.

(e) A public agency may charge applicants a fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

(f) This section shall become operative on January 1, 2025.

SEC. 11. Section 65950 of the Government Code is amended to read:

65950. (a) A public agency that is the lead agency for a development project shall approve or disapprove the project within whichever of the following periods is applicable:

(1) One hundred eighty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project.

(2) Ninety days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c).

(3) Sixty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c) and all of the following conditions are met:

(A) At least 49 percent of the units in the development project are affordable to very low or low-income households, as defined by Sections 50105 and 50079.5 of the Health and Safety Code, respectively. Rents for the lower income units shall be set at an affordable rent, as that term is defined in Section 50053 of the Health and Safety Code, for at least 30 years. Owner-occupied units shall be available at an affordable housing cost, as that term is defined in Section 50052.5 of the Health and Safety Code.

(B) Prior to the application being deemed complete for the development project pursuant to Article 3 (commencing with Section 65940), the lead agency received written notice from the project applicant that an application has been made or will be made for an allocation or commitment of financing, tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the development project by the lead agency is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable as required pursuant to subparagraph (A).

(C) There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.

(4) Sixty days from the date of adoption by the lead agency of the negative declaration, if a negative declaration is completed and adopted for the development project.

(5) Sixty days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), if the project is exempt from that act.

(b) This section does not preclude a project applicant and a public agency from mutually agreeing in writing to an extension of any time limit provided by this section pursuant to Section 65957.

(c) For purposes of paragraphs (2) and (3) of subdivision (a) and Section 65952, “development project” means a housing development project, as that term is defined in paragraph (2) of subdivision (h) of Section 65589.5.

(d) For purposes of this section, “lead agency” and “negative declaration” have the same meaning as defined in Sections 21067 and 21064 of the Public Resources Code, respectively.

(e) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 12. Section 65950 is added to the Government Code, to read:

65950. (a) A public agency that is the lead agency for a development project shall approve or disapprove the project within whichever of the following periods is applicable:

(1) One hundred eighty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project.

(2) One hundred twenty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c).

(3) Ninety days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c) and all of the following conditions are met:

(A) At least 49 percent of the units in the development project are affordable to very low or low-income households, as defined by Sections 50105 and 50079.5 of the Health and Safety Code, respectively. Rents for the lower income units shall be set at an affordable rent, as that term is defined in Section 50053 of the Health and Safety Code, for at least 30 years. Owner-occupied units shall be available at an affordable housing cost, as that term is defined in Section 50052.5 of the Health and Safety Code.

(B) Prior to the application being deemed complete for the development project pursuant to Article 3 (commencing with Section 65940), the lead agency received written notice from the project applicant that an application has been made or will be made for an allocation or commitment of financing,

tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the development project by the lead agency is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable as required pursuant to subparagraph (A).

(C) There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.

(4) Sixty days from the date of adoption by the lead agency of the negative declaration, if a negative declaration is completed and adopted for the development project.

(5) Sixty days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), if the project is exempt from that act.

(b) This section does not preclude a project applicant and a public agency from mutually agreeing in writing to an extension of any time limit provided by this section pursuant to Section 65957.

(c) For purposes of paragraphs (2) and (3) of subdivision (a) and Section 65952, “development project” means a use consisting of either of the following:

(1) Residential units only.

(2) Mixed-use developments consisting of residential and nonresidential uses in which the nonresidential uses are less than 50 percent of the total square footage of the development and are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, “neighborhood commercial” means small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.

(d) For purposes of this section, “lead agency” and “negative declaration” have the same meaning as defined in Sections 21067 and 21064 of the Public Resources Code, respectively.

(e) This section shall become operative on January 1, 2025.

SEC. 13. Chapter 12 (commencing with Section 66300) is added to Division 1 of Title 7 of the Government Code, to read:

CHAPTER 12. HOUSING CRISIS ACT OF 2019

66300. (a) As used in this section:

(1) (A) Except as otherwise provided in subparagraph (B), “affected city” means a city, including a charter city, that the Department of Housing and Community Development determines, pursuant to subdivision (e), is

in an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) Notwithstanding subparagraph (A), “affected city” does not include any city that has a population of 5,000 or less and is not located within an urbanized area, as designated by the United States Census Bureau.

(2) “Affected county” means a census designated place, based on the 2013-2017 American Community Survey 5-year Estimates, that is wholly located within the boundaries of an urbanized area, as designated by the United States Census Bureau.

(3) Notwithstanding any other law, “affected county” and “affected city” includes the electorate of an affected county or city exercising its local initiative or referendum power, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the affected county or city.

(4) “Department” means the Department of Housing and Community Development.

(5) “Development policy, standard, or condition” means any of the following:

- (A) A provision of, or amendment to, a general plan.
- (B) A provision of, or amendment to, a specific plan.
- (C) A provision of, or amendment to, a zoning ordinance.
- (D) A subdivision standard or criterion.

(6) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(7) “Objective design standard” means a design standard that involve no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal of an application.

(b) (1) Notwithstanding any other law except as provided in subdivision (i), with respect to land where housing is an allowable use, an affected county or an affected city shall not enact a development policy, standard, or condition that would have any of the following effects:

(A) Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district below what was allowed under the land use designation and zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018, except as otherwise provided in clause (ii) of subparagraph (B). For purposes of this subparagraph, “less intensive use” includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or anything that would lessen the intensity of housing.

(B) (i) Imposing a moratorium or similar restriction or limitation on housing development, including mixed-use development, within all or a

portion of the jurisdiction of the affected county or city, other than to specifically protect against an imminent threat to the health and safety of persons residing in, or within the immediate vicinity of, the area subject to the moratorium or for projects specifically identified as existing restricted affordable housing.

(ii) The affected county or affected city, as applicable, shall not enforce a zoning ordinance imposing a moratorium or other similar restriction on or limitation of housing development until it has submitted the ordinance to, and received approval from, the department. The department shall approve a zoning ordinance submitted to it pursuant to this subparagraph only if it determines that the zoning ordinance satisfies the requirements of this subparagraph. If the department denies approval of a zoning ordinance imposing a moratorium or similar restriction or limitation on housing development as inconsistent with this subparagraph, that ordinance shall be deemed void.

(C) Imposing or enforcing design standards established on or after January 1, 2020, that are not objective design standards.

(D) Except as provided in subparagraph (E), establishing or implementing any provision that:

(i) Limits the number of land use approvals or permits necessary for the approval and construction of housing that will be issued or allocated within all or a portion of the affected county or affected city, as applicable.

(ii) Acts as a cap on the number of housing units that can be approved or constructed either annually or for some other time period.

(iii) Limits the population of the affected county or affected city, as applicable.

(E) Notwithstanding subparagraph (D), an affected county or affected city may enforce a limit on the number of approvals or permits or a cap on the number of housing units that can be approved or constructed if the provision of law imposing the limit was approved by voters prior to January 1, 2005, and the affected county or affected city is located in a predominantly agricultural county. For the purposes of this subparagraph, “predominantly agricultural county” means a county that meets both of the following, as determined by the most recent California Farmland Conversion Report produced by the Department of Conservation:

(i) Has more than 550,000 acres of agricultural land.

(ii) At least one-half of the county area is agricultural land.

(2) Any development policy, standard, or condition enacted on or after the effective date of this section that does not comply with this section shall be deemed void.

(c) Notwithstanding subdivisions (b) and (f), an affected county or affected city may enact a development policy, standard, or condition to prohibit the commercial use of land that is designated for residential use, including, but not limited to, short-term occupancy of a residence, consistent with the authority conferred on the county or city by other law.

(d) Notwithstanding any other provision of this section, both of the following shall apply:

(1) An affected city or an affected county shall not approve a housing development project that will require the demolition of residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished.

(2) An affected city or an affected county shall not approve a housing development project that will require the demolition of occupied or vacant protected units, unless all of the following apply:

(A) (i) The project will replace all existing or demolished protected units.

(ii) Any protected units replaced pursuant to this subparagraph shall be considered in determining whether the housing development project satisfies the requirements of Section 65915 or a locally adopted requirement that requires, as a condition of the development of residential rental units, that the project provide a certain percentage of residential rental units affordable to, and occupied by, households with incomes that do not exceed the limits for moderate-income, lower income, very low income, or extremely low income households, as specified in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code.

(iii) Notwithstanding clause (i), in the case of a protected unit that is or was, within the five-year period preceding the application, subject to a form of rent or price control through a local government's valid exercise of its police power, and that is or was occupied by persons or families above lower income, the affected city or affected county may do either of the following:

(I) Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years.

(II) Require that the units be replaced in compliance with the jurisdiction's rent or price control ordinance, provided that each unit is replaced. Unless otherwise required by the affected city or affected county's rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.

(B) The housing development project will include at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the last five years.

(C) Any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice, subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.

(D) The developer agrees to provide both of the following to the occupants of any protected units:

(i) Relocation benefits to the occupants of those affordable residential rental units, subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.

(ii) A right of first refusal for a comparable unit available in the new housing development affordable to the household at an affordable rent, as defined in Section 50053 of the Health and Safety Code, or an affordable housing cost, as defined in 50052.5.

(E) For purposes of this paragraph:

(i) “Equivalent size” means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(ii) “Protected units” means any of the following:

(I) Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.

(II) Residential dwelling units that are or were subject to any form of rent or price control through a public entity’s valid exercise of its police power within the past five years.

(III) Residential dwelling units that are or were occupied by lower or very low income households within the past five years.

(IV) Residential dwelling units that were withdrawn from rent or lease in accordance with Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 within the past 10 years.

(iii) “Replace” shall have the same meaning as provided in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915.

(3) This subdivision shall not supersede any objective provision of a locally adopted ordinance that places restrictions on the demolition of residential dwelling units or the subdivision of residential rental units that are more protective of lower income households, requires the provision of a greater number of units affordable to lower income households, or that requires greater relocation assistance to displaced households.

(4) This subdivision shall only apply to a housing development project that submits a complete application pursuant to Section 65943 on or after January 1, 2020.

(e) The Department of Housing and Community Development shall determine those cities and counties in this state that are affected cities and affected counties, in accordance with subdivision (a) by June 30, 2020. The department may update the list of affected cities and affected counties once on or after January 1, 2021, to account for changes in urbanized areas or urban clusters due to new data obtained from the 2020 census. The department’s determination shall remain valid until January 1, 2025.

(f) (1) Except as provided in paragraphs (3) and (4) and subdivisions (h) and (i), this section shall prevail over any conflicting provision of this title or other law regulating housing development in this state to the extent that this section more fully advances the intent specified in paragraph (2).

(2) It is the intent of the Legislature that this section be broadly construed so as to maximize the development of housing within this state. Any exception to the requirements of this section, including an exception for the health and safety of occupants of a housing development project, shall be construed narrowly.

(3) This section shall not be construed as prohibiting the adoption or amendment of a development policy, standard, or condition in a manner that:

(A) Allows greater density.

(B) Facilitates the development of housing.

(C) Reduces the costs to a housing development project.

(D) Imposes or implements mitigation measures as necessary to comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(4) This section shall not apply to a housing development project located within a very high fire hazard severity zone. For purposes of this paragraph, “very high fire hazard severity zone” has the same meaning as provided in Section 51177.

(g) This section shall not be construed to void a height limit, urban growth boundary, or urban limit established by the electorate of an affected county or an affected city, provided that the height limit, urban growth boundary, or urban limit complies with subparagraph (A) of paragraph (1) of subdivision (b).

(h) (1) Nothing in this section supersedes, limits, or otherwise modifies the requirements of, or the standards of review pursuant to, Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) Nothing in this section supersedes, limits, or otherwise modifies the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). For a housing development project proposed within the coastal zone, nothing in this section shall be construed to prohibit an affected county or an affected city from enacting a development policy, standard, or condition necessary to implement or amend a certified local coastal program consistent with the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(i) (1) This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity.

(2) This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use on a site that is a mobilehome park, as defined in Section 18214 of the Health and Safety Code, as of the effective date of this section, and the no net loss requirement in paragraph (1) shall not apply.

(j) Notwithstanding subdivisions (b) and (f), this section does not prohibit an affected city or an affected county from enacting a development policy, standard, or condition that is intended to preserve or facilitate the production of housing for lower income households, as defined in Section 50079.5 of the Health and Safety Code, or housing types that traditionally serve lower income households, including mobilehome parks, single-room occupancy units, or units subject to any form of rent or price control through a public entity’s valid exercise of its police power.

66301. This chapter shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 14. The Legislature finds and declares that the provision of adequate housing, in light of the severe shortage of housing at all income

levels in this state, is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, the provisions of this act apply to all cities, including charter cities.

SEC. 15. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 16. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Exhibit "D"

Senate Bill No. 35

CHAPTER 366

An act to amend Sections 65400 and 65582.1 of, and to add and repeal Section 65913.4 of, the Government Code, relating to housing.

[Approved by Governor September 29, 2017. Filed with
Secretary of State September 29, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 35, Wiener. Planning and zoning: affordable housing: streamlined approval process.

(1) The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. The Planning and Zoning Law requires a planning agency, after a legislative body has adopted all or part of a general plan, to provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of the general plan and progress in meeting the community's share of regional housing needs. Existing law requires the housing element portion of the annual report to be prepared through the use of forms and definitions adopted by the department pursuant to the Administrative Procedure Act.

This bill would require the housing element portion of the annual report to be prepared through the use of standards, forms, and definitions adopted by the department. The bill would eliminate the requirement that the forms and definitions be adopted by the department pursuant to the Administrative Procedure Act and would instead authorize the department to review, adopt, amend, and repeal the standards, forms, or definitions, as provided. The bill would also require the planning agency to include in its annual report specified information regarding units of net new housing, including rental housing and for-sale housing that have been issued a completed entitlement, building permit, or certificate of occupancy. The bill would also require the Department of Housing and Community Development to post an annual report submitted pursuant to the requirement described above on its Internet Web site, as provided.

(2) Existing law requires an attached housing development to be a permitted use, not subject to a conditional use permit, on any parcel zoned for multifamily housing if at least certain percentages of the units are available at affordable housing costs to very low income, lower income, and moderate-income households for at least 30 years and if the project meets specified conditions relating to location and being subject to a discretionary decision other than a conditional use permit. Existing law

provides for various incentives intended to facilitate and expedite the construction of affordable housing.

This bill would authorize a development proponent to submit an application for a multifamily housing development, which satisfies specified planning objective standards, that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit. The bill would require a local government to notify the development proponent in writing if the local government determines that the development conflicts with any of those objective standards by a specified time; otherwise, the development is deemed to comply with those standards. The bill would limit the authority of a local government to impose parking standards or requirements on a streamlined development approved pursuant to these provisions, as provided. The bill would provide that if a local government approves a project pursuant to that process, that approval will not expire if that project includes investment in housing affordability, and would otherwise provide that the approval of a project expire automatically after 3 years, unless that project qualifies for a one-time, one-year extension of that approval. The bill would provide that approval pursuant to its provisions would remain valid for three years and remain valid thereafter so long as vertical construction of the development has begun and is in progress, and would authorize a discretionary one-year extension, as provided. The bill would prohibit a local government from adopting any requirement that applies to a project solely or partially on the basis that the project receives ministerial or streamlined approval pursuant to these provisions. The bill would repeal these provisions as of January 1, 2026.

(3) The bill would make findings that ensuring access to affordable housing is a matter of statewide concern and declare that its provisions would apply to all cities and counties, including a charter city, a charter county, or a charter city and county.

(4) By imposing new duties upon local agencies with respect to the streamlined approval process and reporting requirement described above, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) This bill would incorporate additional changes to Section 65400 of the Government Code proposed by AB 879 to be operative only if this bill and AB 879 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 65582.1 of the Government Code proposed by AB 73 to be operative only if this bill and AB 73 are enacted and this bill is enacted last.

The people of the State of California do enact as follows:

SECTION 1. Section 65400 of the Government Code is amended to read:

65400. (a) After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:

(A) The status of the plan and progress in its implementation.

(B) The progress in meeting its share of regional housing needs determined pursuant to Section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.

The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of standards, forms, and definitions adopted by the Department of Housing and Community Development. The department may review, adopt, amend, and repeal the standards, forms, or definitions, to implement this article. Any standards, forms, or definitions adopted to implement this article shall not be subject to Chapter 3.5 (commencing with Section 11340) or Part 1 of Division 3 of Title 2. Before and after adoption of the forms, the housing element portion of the annual report shall include a section that describes the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its housing element. That report shall be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.

The report may include the number of units that have been substantially rehabilitated, converted from nonaffordable to affordable by acquisition, and preserved consistent with the standards set forth in paragraph (2) of subdivision (c) of Section 65583.1. The report shall document how the units meet the standards set forth in that subdivision.

(C) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.

(D) The number of net new units of housing, including both rental housing and for-sale housing, that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle, and the income category, by area median income category, that each unit of housing, including both rental housing and housing designated for

home ownership, satisfies. That production report shall, for each income category described in this subparagraph, distinguish between the number of rental housing units and the number of for-sale housing units that satisfy each income category. The production report shall include, for each entitlement, building permit, or certificate of occupancy, a unique site identifier, which must include an assessor's parcel number, but may also include street address or other identifiers.

(E) The number of applications submitted pursuant to subdivision (a) of Section 65913.4, the location and the total number of developments approved pursuant to subdivision (b) of Section 65913.4, the total number of building permits issued pursuant to subdivision (b) of Section 65913.4, the total number of units including both rental housing and for-sale housing by area median income category constructed using the process provided for in subdivision (b) of Section 65913.4.

(F) The Department of Housing and Community Development shall post a report submitted pursuant to this paragraph on its Internet Web site within a reasonable time of receiving the report.

(b) If a court finds, upon a motion to that effect, that a city, county, or city and county failed to submit, within 60 days of the deadline established in this section, the housing element portion of the report required pursuant to subparagraph (B) of paragraph (2) of subdivision (a) that substantially complies with the requirements of this section, the court shall issue an order or judgment compelling compliance with this section within 60 days. If the city, county, or city and county fails to comply with the court's order within 60 days, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled. This subdivision applies to proceedings initiated on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than six months following that adoption.

SEC. 1.5. Section 65400 of the Government Code is amended to read:

65400. (a) After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:

(A) The status of the plan and progress in its implementation.

(B) The progress in meeting its share of regional housing needs determined pursuant to Section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.

The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of standards, forms, and definitions adopted by the Department of Housing and Community Development. The department may review, adopt, amend, and repeal the standards, forms, or definitions, to implement this article. Any standards, forms, or definitions adopted to implement this article shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2. Before and after adoption of the forms, the housing element portion of the annual report shall include a section that describes the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its housing element. That report shall be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.

The report may include the number of units that have been substantially rehabilitated, converted from nonaffordable to affordable by acquisition, and preserved consistent with the standards set forth in paragraph (2) of subdivision (c) of Section 65583.1. The report shall document how the units meet the standards set forth in that subdivision.

(C) The number of housing development applications received in the prior year.

(D) The number of units included in all development applications in the prior year.

(E) The number of units approved and disapproved in the prior year.

(F) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.

(G) A listing of sites rezoned to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory required by paragraph (1) of subdivision (c) of Sections 65583 and 65584.09. The listing of sites shall also include any additional sites that may have been required to be identified by Section 65863.

(H) The number of net new units of housing, including both rental housing and for-sale housing, that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle, and the income category, by area median income category, that each unit of housing satisfies. That production report shall, for each income category described in this subparagraph, distinguish between the number of rental housing units and the number of for-sale units that satisfy each income category. The production report shall include, for each entitlement, building permit, or certificate of occupancy, a unique site identifier which

must include the assessor's parcel number, but may include street address, or other identifiers.

(I) The number of applications submitted pursuant to subdivision (a) of Section 65913.4, the location and the total number of developments approved pursuant to subdivision (b) of Section 65913.4, the total number of building permits issued pursuant to subdivision (b) of Section 65913.4, the total number of units including both rental housing and for-sale housing by area median income category constructed using the process provided for in subdivision (b) of Section 65913.4.

(J) The Department of Housing and Community Development shall post a report submitted pursuant to this paragraph on its Internet Web site within a reasonable time of receiving the report.

(b) If a court finds, upon a motion to that effect, that a city, county, or city and county failed to submit, within 60 days of the deadline established in this section, the housing element portion of the report required pursuant to subparagraph (B) of paragraph (2) of subdivision (a) that substantially complies with the requirements of this section, the court shall issue an order or judgment compelling compliance with this section within 60 days. If the city, county, or city and county fails to comply with the court's order within 60 days, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled. This subdivision applies to proceedings initiated on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than six months following that adoption.

SEC. 2. Section 65582.1 of the Government Code is amended to read:

65582.1. The Legislature finds and declares that it has provided reforms and incentives to facilitate and expedite the approval and construction of affordable housing. Those reforms and incentives can be found in the following provisions:

(a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).

(b) Extension of statute of limitations in actions challenging the housing element and brought in support of affordable housing (subdivision (d) of Section 65009).

(c) Restrictions on disapproval of housing developments (Section 65589.5).

(d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65589.7).

(e) Least cost zoning law (Section 65913.1).

(f) Density bonus law (Section 65915).

(g) Accessory dwelling units (Sections 65852.150 and 65852.2).

(h) By-right housing, in which certain multifamily housing are designated a permitted use (Section 65589.4).

(i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65863).

(j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914) or post a bond (Section 529.2 of the Code of Civil Procedure).

(k) Reduced time for action on affordable housing applications under the approval of development permits process (Article 5 (commencing with Section 65950) of Chapter 4.5).

(l) Limiting moratoriums on multifamily housing (Section 65858).

(m) Prohibiting discrimination against affordable housing (Section 65008).

(n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3).

(o) Community redevelopment law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, and in particular Sections 33334.2 and 33413).

(p) Streamlining housing approvals during a housing shortage (Section 65913.4).

SEC. 2.5. Section 65582.1 of the Government Code is amended to read:

65582.1. The Legislature finds and declares that it has provided reforms and incentives to facilitate and expedite the construction of affordable housing. Those reforms and incentives can be found in the following provisions:

(a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).

(b) Extension of statute of limitations in actions challenging the housing element and brought in support of affordable housing (subdivision (d) of Section 65009).

(c) Restrictions on disapproval of housing developments (Section 65589.5).

(d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65589.7).

(e) Least cost zoning law (Section 65913.1).

(f) Density bonus law (Section 65915).

(g) Accessory dwelling units (Sections 65852.150 and 65852.2).

(h) By-right housing, in which certain multifamily housing are designated a permitted use (Section 65589.4).

(i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65863).

(j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914) or post a bond (Section 529.2 of the Code of Civil Procedure).

(k) Reduced time for action on affordable housing applications under the approval of development permits process (Article 5 (commencing with Section 65950) of Chapter 4.5).

- (l) Limiting moratoriums on multifamily housing (Section 65858).
- (m) Prohibiting discrimination against affordable housing (Section 65008).
- (n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3).
- (o) Community redevelopment law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, and in particular Sections 33334.2 and 33413).
- (p) Streamlining housing approvals during a housing shortage (Section 65913.4).
- (q) Housing sustainability districts (Chapter 11 (commencing with Section 66200)).

SEC. 3. Section 65913.4 is added to the Government Code, to read:

65913.4. (a) A development proponent may submit an application for a development that is subject to the streamlined, ministerial approval process provided by subdivision (b) and not subject to a conditional use permit if the development satisfies all of the following objective planning standards:

(1) The development is a multifamily housing development that contains two or more residential units.

(2) The development is located on a site that satisfies all of the following:

(A) A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

(C) A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.

(3) If the development contains units that are subsidized, the development proponent already has recorded, or is required by law to record, a land use restriction for the following applicable minimum durations:

(A) Fifty-five years for units that are rented.

(B) Forty-five years for units that are owned.

(4) The development satisfies both of the following:

(A) Is located in a locality that the department has determined is subject to this subparagraph on the basis that the number of units that have been issued building permits is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subparagraph until the department's determination for the next reporting period. A locality shall be subject to this subparagraph if it has not submitted an annual housing element report

to the department pursuant to paragraph (2) of subdivision (a) of Section 65400 for at least two consecutive years before the development submitted an application for approval under this section.

(B) The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:

(i) The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of above moderate-income housing approved than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing, the project seeking approval dedicates a minimum of 10 percent of the total number of units to housing affordable to households making below 80 percent of the area median income. If the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that zoning ordinance applies.

(ii) The locality did not submit its latest production report to the department by the time period required by Section 65400, or that production report reflects that there were fewer units of housing affordable to households making below 80 percent of the area median income that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making below 80 percent of the area median income, unless the locality has adopted a local ordinance that requires that greater than 50 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, in which case that ordinance applies.

(iii) The locality did not submit its latest production report to the department by the time period required by Section 65400, or if the production report reflects that there were fewer units of housing affordable to any income level described in clause (i) or (ii) that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, the project seeking approval may choose between utilizing clause (i) or (ii).

(5) The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards and objective design review standards in effect at the time that the development is submitted to the local government pursuant to this section. For purposes of this paragraph, “objective zoning standards” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a

city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

(A) A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.

(B) In the event that objective zoning, general plan, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.

(6) The development is not located on a site that is any of the following:

(A) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(B) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(E) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(F) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(G) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(H) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

(I) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(K) Lands under conservation easement.

(7) The development is not located on a site where any of the following apply:

(A) The development would require the demolition of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) Housing that has been occupied by tenants within the past 10 years.

(B) The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section.

(C) The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.

(D) The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.

(8) The development proponent has done both of the following, as applicable:

(A) Certified to the locality that either of the following is true, as applicable:

(i) The entirety of the development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(ii) If the development is not in its entirety a public work, that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the development is subject to this subparagraph, then for those portions of the development that are not a public work all of the following shall apply:

(I) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.

(II) All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(III) Except as provided in subclause (V), all contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in therein.

(IV) Except as provided in subclause (V), the obligation of the contractors and subcontractors to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

(V) Subclauses (III) and (IV) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this clause, “project labor agreement” has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(VI) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall

not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

(B) (i) For developments for which any of the following conditions apply, certified that a skilled and trained workforce shall be used to complete the development if the application is approved:

(I) On and after January 1, 2018, until December 31, 2021, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(II) On and after January 1, 2022, until December 31, 2025, the development consists of 50 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction located in a coastal or bay county with a population of 225,000 or more.

(III) On and after January 1, 2018, until December 31, 2019, the development consists of 75 or more units that are not 100 percent subsidized affordable housing and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(IV) On and after January 1, 2020, until December 31, 2021, the development consists of more than 50 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal or bay county.

(V) On and after January 1, 2022, until December 31, 2025, the development consists of more than 25 units and will be located within a jurisdiction with a population of fewer than 550,000 and that is not located in a coastal bay county.

(ii) For purposes of this section, “skilled and trained workforce” has the same meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(iii) If the development proponent has certified that a skilled and trained workforce will be used to complete the development and the application is approved, the following shall apply:

(I) The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.

(II) Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.

(III) Except as provided in subclause (IV), the applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An applicant that fails to provide a

monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code, and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.

(IV) Subclause (III) shall not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subparagraph, “project labor agreement” has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(C) Notwithstanding subparagraphs (A) and (B), a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages or use a skilled and trained workforce if it meets both of the following:

(i) The project includes 10 or fewer units.

(ii) The project is not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(9) The development did not or does not involve a subdivision of a parcel that is, or, notwithstanding this section, would otherwise be, subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)) or any other applicable law authorizing the subdivision of land, unless either of the following apply:

(A) The development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to subparagraph (A) of paragraph (8).

(B) The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to paragraph (8).

(10) The development shall not be upon an existing parcel of land or site that is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special

Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(b) (1) If a local government determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (a), it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:

(A) Within 60 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(2) If the local government fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the objective planning standards specified in subdivision (a).

(c) Any design review or public oversight of the development may be conducted by the local government's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction. That design review or public oversight shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(1) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(2) Within 180 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(d) (1) Notwithstanding any other law, a local government, whether or not it has adopted an ordinance governing parking requirements in multifamily developments, shall not impose parking standards for a streamlined development that was approved pursuant to this section in any of the following instances:

(A) The development is located within one-half mile of public transit.

(B) The development is located within an architecturally and historically significant historic district.

(C) When on-street parking permits are required but not offered to the occupants of the development.

(D) When there is a car share vehicle located within one block of the development.

(2) If the development does not fall within any of the categories described in paragraph (1), the local government shall not impose parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.

(e) (1) If a local government approves a development pursuant to this section, then, notwithstanding any other law, that approval shall not expire if the project includes public investment in housing affordability, beyond tax credits, where 50 percent of the units are affordable to households making below 80 percent of the area median income.

(2) If a local government approves a development pursuant to this section and the project does not include 50 percent of the units affordable to households making below 80 percent of the area median income, that approval shall automatically expire after three years except that a project may receive a one-time, one-year extension if the project proponent can provide documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application.

(3) If a local government approves a development pursuant to this section, that approval shall remain valid for three years from the date of the final action establishing that approval and shall remain valid thereafter for a project so long as vertical construction of the development has begun and is in progress. Additionally, the development proponent may request, and the local government shall have discretion to grant, an additional one-year extension to the original three-year period. The local government's action and discretion in determining whether to grant the foregoing extension shall be limited to considerations and process set forth in this section.

(f) A local government shall not adopt any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(g) This section shall not affect a development proponent's ability to use any alternative streamlined by right permit processing adopted by a local government, including the provisions of subdivision (i) of Section 65583.2.

(h) For purposes of this section:

(1) "Department" means the Department of Housing and Community Development.

(2) "Development proponent" means the developer who submits an application for streamlined approval pursuant to this section.

(3) "Completed entitlements" means a housing development which has received all the required land use approvals or entitlements necessary for the issuance of building permit.

(4) "Locality" or "local government" means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.

(5) "Production report" means the information reported pursuant to subparagraph (D) of paragraph (2) of subdivision (a) of Section 65400.

(6) “Subsidized” means units that are price or rent restricted such that the units are permanently affordable to households meeting the definitions of very low and lower income, as defined in Sections 50079.5 and 50105 of the Health and Safety Code.

(7) “Reporting period” means either of the following:

(A) The first half of the regional housing needs assessment cycle.

(B) The last half of the regional housing needs assessment cycle.

(8) “Urban uses” means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

(i) The department may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section. Any guidelines or terms adopted pursuant to this subdivision shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(j) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 4. The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern, and not a municipal affair. Therefore, the changes made by this act are applicable to a charter city, a charter county, and a charter city and county.

SEC. 5. Each provision of this measure is a material and integral part of this measure, and the provisions of this measure are not severable. If any provision of this measure or its application is held invalid, this entire measure shall be null and void.

SEC. 6. (a) Section 1.5 of this bill incorporates amendments to Section 65400 of the Government Code proposed by both this bill and Assembly Bill 879. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 65400 of the Government Code, and (3) this bill is enacted after Assembly Bill 879, in which case Section 1 of this bill shall not become operative.

(b) Section 2.5 of this bill incorporates amendments to Section 65582.1 of the Government Code proposed by both this bill and Assembly Bill 73. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 65582.1 of the Government Code, and (3) this bill is enacted after Assembly Bill 73, in which case Section 2 of this bill shall not become operative.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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